

Christian Oeconomie:

OR,

A S H O R T
S V R V E Y O F T H E
R I G H T M A N N E R O F
erecting and ordering a Fa-
milie, according to the
Scriptures.

First written in *Latine* by the Au-
thor **M. W. P E R K I N S**, and now set
forth in the vulgar tongue, for more common
use and benefit, by **T H O. P I C K E R I N G**
Bachelor of Divinitie.

• **P R O V. 24. 3, 4.**

*Through Wisdome is an house builded, and With vn-
derstanding it is established. And by knowledge
shall the chambers be filled With all precious and
pleasant riches.*



A T L O N D O N

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TO THE RIGHT

HONORABLE ROBERT

Lord RICH, Baron of

Leeze, &c.



Ight Honorable; Among
all the Societies & States,
wherof the whole world
of mankinde from the
first calling of *Adam* in
Paradise, vnto this day, hath consisted,
the first and most ancient is the Fami-
lie. For if we looke into the Scriptures;
The writings of *Moses*, which in time
goe beyond all the Histories and Re-
cords of men, doe evidently declare, it
was the will of God, to sanctifie that
first coniunction of *Adam* and *Eue*, as
the roote wherein mans whole poster-
tie was *virtually* contained, and whence
in the ages succeeding, both Church
and Common-weale should spring
and

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and grow to their perfection. And all those nations and Countries before the Flood, the Heads whereof lineally descended frō the two first houses of *Seth* and *Cain*, had no outward forme of ciuill gouernment, by which they were ruled, nor any visible face of a Church whereto they had relation, but the whole frame of their policie both Ciuill and Ecclesiasticall was confined within the precincts of priuate families. And from the flood, the house of *Noah* became the common Mother, in which the other two states were included, and out of whose bowels they issued afterward in the multiplication of posteritie, for number, equall to the starres of the skie, and the sands by the sea shore.

Answerable to the voice of the scripture, hath been the verdict of the Hea-then in this point. Some of the * learned among them, haue called the Familie, *the first societie in nature, and the ground of all the rest.* Some againe haue compared it to the Bee-hiue, which we call the Stock, wherein are bred many swarmes,

* *Aristot.*

Polit. x.

Plin. in

economic.

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swarmes, which thence doe flie abroad into the world, to the raising and maintaining of other States. Others do not vnfilie resemble the same to a Metropolis, or mother Citie, which first traineth vp her natiue inhabitants, and then *remoueth some of them to other places of abode, where they may bee framed as members, to liue in obedience to the lawes of their Head.

*Xenoph.
ibid.*

** Xenonizet,
Cic. 3. de
Nat. Deor.*

Vpon this condition of the Familie, being the Seminarie of all other Societies, it followeth, that the holie and righteous gouernment thereof, is a direct meane for the good ordering, both of Church and Common-wealth; yea that the lawes thereof being rightly informed and religiously obserued, are auailable to prepare and dispose men to the keeping of order in other gouernements. Hence it is, that the Holie Ghost in the booke of the Scriptures, hath in great wisdom commended both Rules for direction, and examples for imitation, to Husbands and Wiues, to Parents and Children, to Masters and Seruants in euerie point of Chri-

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1. Tim. 3. 5

stian carriage touching God and man. For this first Societic, is as it were the Schoole, wherein are taught and learned the principles of authoritie and subiection. And look as the Superiour that faileth in his priuate charge, will proue vncapable of publike employment; so the Inferiour, who is not framed to a course of Oeconomicall subiection, will hardly vndergoe the yoke of ciuill obedience.

Gen. 6. 12.

Againe, the corruption or declination of this first gouernment, must of necessitie giue way to the ruinating of the rest. For an error in the foundation, puts the bodie and parts of the whole building in apparent hazard. In the old world, before the flood, though *all flesh had corrupted their waies*; yet the first ground of that vniuersall ouerflow of sinne, issued out of the state Oeconomicall, and thence was deriued into the whole earth. It was the fault of the priuate gouernment of *Eli* the Priest, that made his sonnes *Hophni* and *Phinehas*, of vngracious children, vngodlie Church-men. It was the error of *Dauid*

1. Sam. 2.
12. 23, 24,
25.

DEDICATORIE.

aid in the administration and guidance of his owne house, which encouraged *Abfalom* and *Adoniah* his sonnes, vpon presumption of their Fathers indulgēce, to become ill Common-wealths men, to aspire, and vsurpe the kingdom by plots and practises of Rebellion.

2. Sam. 14

33.

1. King. 5.

6.

2. Sam. 15

1. King. 1.

To forbear further matter of instance in this kinde; by the due consideration of the premisses, I hold it a thing both necessarie and behoofefull for al estates, to be thoroughly informed of the right manner of erecting and ordering the priuate condition of the Familie, whereby they may be furnished with fit grounds for the commō good in more publike and open courses. For which end this present Discourse of Christian Oeconomie, was first contriued by the Author, and now thought fit to be set foorth, for the instruction and edification of y^e multitude. Which as it commendeth it selfe by the shortnes and perspicuitie, both which being applied to vnderstanding and memorie, may giue contentment to euerie well-disposed Reader; so it carrieth a

kinde

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kinde of eminencie aboue other Treatises of this nature before published, in sundrie regards.

First, whereas Experience teacheth, that the Questions of conscience in matrimoniall affaires, are very many in number, and difficult in nature; here we shall finde either direct answeres to some of them, or at least the grounds of resolution in diuers cases, warranted by the word, in such sort, as little or nothing will appeare, vpon the triall, to be vntouched, making for the Readers satisfaction.

Secondlie, the maine scope of the Author in the seuerall branches hereof, is, to make plaine this truth in particular, That no Familie can bee interested in the blessing and fauour of God, which is not founded in his feare, and ordered according to his reuealed will. For though the Heathen in their writings of the like Argument, doe shew, that Nature by her dimme light may affoord some good directions to this purpose, and that men meereley natural, haue prospered in the practise of Oeconomicall

*Aristot.
Polit.
Xenoph. in
Oecon.*

DEDICATORIE.

conomicall vertues; yet the true happines of houses and inhabitants wholly dependeth vpon the speciall grace of God, and issueth out of his promise; and that is directed onely to *them that feare him and walke in his waies*; it being godlinesse alone which hath the promises of *this life and the life to come*. Therefore to dreame of a blessing in any other state, which is not seasoned with godlinesse, and ordered by direction of diuine lawe, is but a witlesse presumption; considering that the familie it selfe from whence they grow, hath no further assurance of blessednesse, then it hath right and title in the promise.

Psal. 128. 1

1. Tim. 4. 8

Lastly, it containeth here and there, some speciall grounds of trueth, tending to the discoverie of diuers errors of Popish doctrine in points appertaining to Mariage; as namely these;
I. That this estate is free to all men, *euē to such as haue the gift of continēce*; and for those who haue not the power to abstaine, it is expressly enioyned by God as necessarie. Which disco-

1. Cor. 7.

1. 2. 9.

discouereth that error of absolute inhibition thereof to some sorts of men, without the least exception of abilitie to forbear. And in this case, though the Church of Rome prescribeth an helpe by prayer and indeuour, where the gift is wanting; yet herein, she addeth two more absurdities to the former; imposing a necessitie of containing, by her lawes, where God hath giuen libertie, by his word; and causing to flee from that onely Remedie which himselfe hath sanctified, to another, whereunto hee neither giueth charge by his will, nor incouragement by promise. II. That Marriages consummate without the free and aduised consent of Parents, either *explicite* in tearmes, or *implicite* by conniueance, are in the court of conscience, meere nullities. A doctrine cleered in this Booke, both by Scriptures, and by consent of Antiquitie. Wherein is challenged the Iesuites proposition, That the sole consent of the parties is sufficient, *ad Matrimonium firmum ac ratum efficiendum*. As also that decree of the Councell of Trent,

Bellarmin. de
Matrim.
Sacram.
lib. 5. 19.

DEDICATORIE.

Trent, which professeth a detestation of clandestine contracts, and yet with the same breath pronounceth the curse of Anathema vpon them, who affirme that Parents may ratifie or make voide Mariages contracted by their children, without their allowance. III. That Matrimonie lawfullie begun and consummate, is made voide onely by way of diuorce in the case of Adulterie. So saith our Sauour; *Whosoever shall put away his wife, (except it be for fornication, &c.)* And this liberty granted by Christ both to dissolue, and to marrie againe, cannot be restrained or cut off by any humane ordinance. A point directlie impugned by two other Rules of that Councell. One, that the Church of Rome erreth not, when she teacheth (as they professe, *Iuxta Euangelicam & Apostolicam doctrinam*, but in truth expressly contradictory thereunto) That the knot of mariage cannot be broken because of adulterie, and that neither partie may vndertake to be married againe, during the life of the other, after the dismissal. The other, that the vow
of

Concil.
Trident.
Sess. 24.
Decreto
de clandest.
Matrim.

Matth. 5.
32.

Concil.
Trid. Sess.
24. Can. 7.

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of Chastitie and entring into holy Orders, is of force to loose the bond of Mariage. And in this case, separation is made and allowed *de facto*, by the sole authoritie of the Pope, notwithstanding the refusall of the setled partie to yeeld consent. IV. That the iudgement and determination of causes matrimoniall, as of Contracts and their impediments, of degrees of kinred, of diuorces, &c. resteth *originally* in the ciuill Magistrate, in whose power it is, to ordaine and establish lawes touching them, agreeable to Gods word, and to cause them to be put in execution. For this purpose, in doubtfull and difficult cases, the ^a ancient Church hath not absolutely rested in her owne decrees, but hath made recourse to the seate of Iustice, specially vnder Christian Magistrates, submitting her selfe to their lawes and constitutions in that kinde. Whereas the ^b Church of Rome hath determined, that these causes doe simplie and only appertaine to Ecclesiasticall Iudges; and therefore hath concluded Mariage to be a Sacrament; that the

^a See the
Code in
sundrie
places.

Lib. 5. tit. 4
de Nuptiis
tit. 5. de in-
casso, &c.

^b Concil.
Trid. sess.
24. can. 12.

DEDICATORIE.

the definition of cases coniugall, becomming, vpon this ground, an action of a spirituall nature, might be transferred from the Ciuill to their spirituall Courts. The soueraignie whereof, in these affaires, by their owne constitutions, is greatly enlarged. For though they admit, that politike Princes haue some interest in them; yet they must hold it, *with subordination to the autoritie of the Church-Magistrate*; and when the Rector of the Prouince maketh a law hercof, hee must doe it *approbante Principe Ecclesiastico*, by the allowance of the Pope; otherwise his lawes are meere nullities. And among their reasons of policie, this is one of the principall, that they might by this meanes raise a commoditie to the Sea of Rome, by the sale of their dispensations.

Now these points, together with the substance of this small discourse, I willingly commend vnto your Lordship, desiring that vnder the wings of your Honourable protection, it may satelie walke abroad in the world, to the view
and

Bellarmin. de
Matrim.
Sacram.
cap. 32.

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Pfal. 128.

3.

Act. 20. 32

and benefit of others. The true report of your ancient loue of the truth, and fauourable inclination to the Ministers and dispensers thereof, hath giuen mee encouragement in this action; the rather, for that the Argument fitteth in some sort your present estate, whose house God hath adorned with oliue plants, a vertuous and hopefull issue, whose young yeeres being seasoned therein, by the sweete saueur of their fathers vertues, may yeeld in time a plentiful increase of Honour in this Common-wealth; and consequentially aduance your Name in themselves and their posteritie. To this may be added mine own desire to giue some testimonie of dutie to your Lordship, as holding it your due, to be had in Honourable tearmes with men, whose care hath been to maintaine the Honour of the Highest by your constant profession and practise of Religion. And thus emboldening my selfe vpon the perswasion of your Lordships fauour and acceptance, I humbly take my leaue, and commend you to the grace of God,

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God, who is able to build you vp further, and giue you an inheritance among them which are sanctified. *Finching-field*, Septemb. 26. 1609.

Your Lordships to be commanded in all Christian dutie,

THO. PICKERING.

Q. d. which should you visit
and give you an indication
of the things which are likely
to happen.

For the first time
the world has seen
the power of the
human mind.

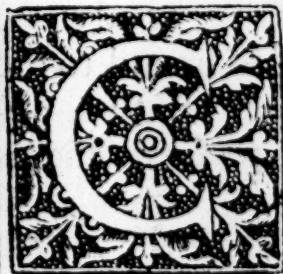
The first time



A SHORT SVR-
VEY OF THE RIGHT
MANNER OF ERECTING
and ordering a Familie, according
to the Scriptures.

CHAP. I.

*Of Christian Oeconomie, and of the Fa-
milie.*



Christian Oeconomie,
is a doctrine of the
right ordning of a Fa-
milie.

The onely rule of
ordering the Family,
is the written word of God. By it *Dauid*
resolued to gouerne his House, whē he
saith, *I will walke in the vprightnesse of my
heart in the midst of my house, Psal. 101.2.*
And *Salomon* affirmeth, that *through
wisdome an house is builded, and with vn-
derstanding it is established, Prou. 24.3.*

A Familie, is a naturall and simple Societie of certaine persons, hauing mutuall relation one to another, vnder the priuate gouernement of one. These persons must be at the least three; because two cannot make a societie. And about three vnder the same head, there may be a thousand in one familie, as it is in the households of Princes, and men of state in the world.

CHAP. 2.

Of the Household seruice of God.

Family, for the good estate of it selfe, is bound to the performance of two duties; one to God, the other to it selfe.

The dutie vnto God, is the priuate Worship and Seruice of God, which must be established and setled in euery family. And the reasons hereof are these.

First, because this duty standeth by the expresse commandement of God, who by his Apostle willeth men to pray
euery

every where, lifting up pure hands, without
rath or doubting, 1.Tim.2.8.

Againe, it is confirmed by the cu-
some and practise of holy men in their
times; *I know* (saith the Lord touching
Abraham) *that he will commaund his*
sonnes and his household after him, that
they keepe the way of the Lord, to doe righ-
teousnesse and iudgement, that the Lord
may bring vpon Abraham, that which he
hath spoken to him, Gen.18.19. To the
same purpote speaketh Ioshua; *If it seeme*
euill vnto you to serue the Lord, chuse this
day whom yee will serue, whether the gods
whom your Fathers serued (that were be-
yond the floud) or the gods of the Amorites
in whose land ye dwell: But I and my house
will serue the Lord, Iosh.24.15. And Cor-
nelius is reported to haue been a deuout
man, and one that feared God with all his
household, Act.10.2.

Thirdly, common reason and equi-
tie sheweth it to be a necessarie durie;
for the happie and prosperous estate of
the familie, which consisteth in the mu-
tuall loue and agreement of the Man
and Wife, in the dutifull obedience of

children to their parents, and in the faithfull seruice of seruants to their Masters, wholly dependeth vpon the grace and blessing of God; and this blessing is annexed to his worship: for 1.Tim. 4.8. *Godlinesse hath the promises of this life, and the life to come.* Psalm. 127.1. *Except the Lord builde the house, they labour in vaine that builde; except the Lord keepe the Citie, the keeper watcheth in vaine.* Vers.2. *It is in vaine for you to rise early, and to lie downe late, and eate the bread of sorrow, but he will surely giue rest to his beloued.* Vers.3. *Beholde, children are the inheritance of Iehouah, and the fruite of the wombe his rewarde.* Psalm. 128.1. *Blessed is euery one that feareth the Lord, and walketh in his maies.* Vers.2. *When thou eatest the labours of thy hands thou shalt be blessed, and it shall bee well with thee.* Vers.3. *Thy wife shall be as the fruitfull vine vpon the sides of thy house, and thy children like Oliue plants round about thy table.* Vers.6. *Yea, thou shalt see thy childrens children, and peace vpon Israel.* 1.Sam. 1.27. *I prayed (saith Hannah) for this childe, and the Lord hath giuen mee*

my desire which I asked of him.

The household seruice of God hath two parts; the first is a conference vpon the word of God, for the edification of all the members thereof, to eternall life. The second is, Inuocation of the name of God, with giuing of thanks for his benefits; both these are commended in the Scriptures. Deut. 6. 6. *These words which I command thee this day, shall be in thy heart. Vers. 7. And thou shalt whet them vpon thy children, & talke of the same when thou tariest in thine house, & as thou walkest by the way, and when thou liest downe, and when thou risest vp. Vers. 20. When thy sonne shall aske thee in time to come, saying, what meane these testimonies, and ordinances, and lawes, which the Lord our God hath commanded you? Vers. 21. Then thou shalt say vnto thy son, we were Pharaohs bondmen in Egypt, but the Lord brought vs out of Egypt with a mightie hand. Vers. 24. Therefore the Lord hath commanded vs to do all these ordinances, & to fear the Lord our God. Psal. 14. 1. The foole hath said in his heart, There is no God. v. 4. They cal not vpon God.*

The times of this seruice are these:

B 3

The

The morning, in which the familie comming together in one place, is to call vpon the name of the Lord, before they begin the workes of their callings.

The euening also is another time to be vsed in prayer, because the familie hath seene the blessing of God vpon their labours the day before, and now the time or rest draweth on, in which euery one is to commend his body and soule into the protection of the Lord; for no man knoweth what shall befall him before he rise again, neither knoweth any whether euer he shal rise againe or not, it is therefore a desperate boldnesse without praying to go to rest.

Besides this, there be other times also wherein to performe this dutie, as before and after meales; For meats and drinkes are blessed to the receiuers, by the word and prayer. 1. Tim. 4. 4. *Whatsoeuer God hath created is good, neither is any thing to be refused, if it be taken with thankesgiuing, for it is sanctified by the word of God and prayer.*

Now these times, the word of God approueth. Deut. 6. 6. *Thou shalt talke of them,*

them, when thou liest downe, and when thou risest vp. Psalm. 55. 18. Evening and morning and at noone, I will pray and make a noise, and he wil heare my voice. Psa. 127. 1. It is in vaine to rise earely, and to lie downe late, and eat the bread of sorrow, except the Lord vouchsafe a blessing, who will surely giue rest to his beloued.

To these may sometimes be added the exercise of fasting, which is (as occasiō serueth) to be vsed both publike-ly & priuately, especially when they of the familie be therunto called by some present or imminent calamitie. Hest. 4. 16. Go and assemble all the Iewes that are found in Shusan, and fast yee for mee, and eat not, nor drinke in three daies, day nor night: I also and my maids will fast likewise, and so will I go in to the King, which is not according to the law; and if I perish, I perish. Zachar. 12. 11. And in that day shall there be a great mourning in Ierusalem, and the land shall bewaile, euery familie apart, the family of the house of Dauid apart, and their wiues apart, the family of the house of Nathan apart, and their wiues apart, &c.

Wherefore, those families wherein

this seruice of God is performed, are, as it were, little Churches, yea euen a kind of paradise vpon earth. And for this purpose S. Paul writing to *Philemon*, greeteth the Church that is in his house, *Philem. 1. 2.* And in like manner, he sendeth salutations to the Church of Corinth, from *Aquila* and *Priscilla*, and the Church which was in their house, *1. Cor. 16. 19.* On the other side, where this dutie of Gods seruice is not vsed, but either for the most part, or altogether neglected, a man may tearme those families, no better then companies of prophane and gracelesse Atheists, who as they deny God in their harts, so they are knowne by this note, that *they doe not call vpon the name of the Lord*, *Psalm. 14. 4.* Yea such families are fitly compared to an heard of swine, which are alwaies feeding vpon the masse with greedinesse, but neuer looke vp to the hand that beateth it downe, nor to the tree from whence it falleth.

The other dutie concerning the house it selfe, is, That euery member in the familie, according to their abilitie, employ

employ themselves in some honest and profitable businesse, to maintaine the temporall estate and life of the whole.

Gen. 3. 19. *In the sweat of thy face shalt thou eat bread, till thou returne to the earth, for out of it wast thou taken; for dust thou art, and to dust shalt thou returne.* 1. Cor. 7. 20.

Let every man abide in the same vocation wherein he was called. Now if any one in the familie starteth aside out of his calling, and inticeth another to idolatrie, he is to be reuealed, Deut. 13. 6. And againe, their case is very fearefull that do nothing in their houses, but go finely and faire daintily from day to day. This is the blacke marke that the Scripture sets vpon the rich glutton, Luk. 16. 19. *There was a certaine rich man, which was cloathed in purple and fine linen, and fared deliciously every day.*

CHAP. 3.

Of married folkes.



Familie is distinguished into sundry combinations or couples of persons.

A

A couple, is that wherby two persons standing in mutuall relation to each other, are combined together as it were in one. And of these two, the one is alwaies higher, and beareth rule, the other is lower, and yeeldeth subiection.

Couples are of two sorts; principall, or lesse principall.

The principall, is the combination of married folkes; and these are so termed in respect of Mariage.

Mariage is the lawfull coniunction of the two married persons; that is, of one man, and one woman into one flesh. So was the first institution of marriage, Gen. 2. 21. which is expounded by our Sauour Christ, Matth. 19. 6. *Therefore they are no more two, but one flesh.* And also by Paul, Ephes. 5. 31. *For this cause shall a man leaue father and mother, and shall * cleaue vnto his wife, (as two boords are ioyned together with glue) and they which were two, shall be one flesh.* Wherefore this is an eternal law of marriage, that two, and not three or foure, shall be one flesh. And for this cause, the fathers, who had many wiues and

Concu-

* Περὶ συνά-
λων ὄντων.

Concubines, it may be that through custome they sinned of ignorance, yet they are not in any wise to be excused.

Mariage of it selfe is a thing indifferent, and the kingdome of God stands no more in it, then in meats and drinks; and yet it is a state in it selfe, farre more excellent, then the condition of single lite. For first, it was ordained by God in Paradise, aboue and before all other states of life, in *Adams* innocencie before the fall. Againe, it was instituted vpon a most serious and solemne consultation among the three persons in the holy Trinitie. Genes. 1. 26. *Let vs make man in our image, according to our likenesse, and let them rule ouer, &c.* Gen. 2. 18. *Iehouah Elohim said, It is not good that the man should be himselfe alone, I will make him an helpe meete for him.* Thirdly, the manner of this coniunction was excellent, for God ioyned our first parents *Adam* and *Eue* together immediately. Fourthly, God gaue a large blessing vnto the estate of mariage, saying, *Increase and multiplie and fill the earth.* Lastly, mariage was made & appointed by

by God himselfe, to be the fountaine and seminarie of all other sorts & kinds of life, in the Common-wealth and in the Church.

Now if mankind had continued in that vprightnes and integritie which it had by creation, the state of single life had been of no price and estimation amongst men, neither should it haue had any place in the world, without great contempt of Gods ordinance and blessing.

Neuerthelesse, since the fall, to some men who haue the gift of continencie, it is in many respects farre better then mariage, yet not simplie, but only by accident, in regard of sundrie calamities which came into the world by sin. For, first it freeth a man from many and great cares of household affaires. Againe, it maketh him much more fit & disposed to meditate of heauenly things, without distraction of mind. Besides that, when dangers are either present, or imminent, in matters belonging to this life, the single person is in this case happie, because he and his are more secure

cure and safe, then others be who are in married state. 1. Cor. 7.8. *Therefore I say to the unmarried and widowes, It is good for them if they abide euen as I do.* vers. 26. *I suppose then this to be good for the present necessitie, I meane, that it is good for a man so to be,* vers. 28. *But if thou takest a wife thou sinnest not, and if a virgin marrie she sinneth not; neuerthelesse such shall haue trouble in the flesh,* vers. 32. *And I would haue you without care.*

• The end of mariage is fourefold.

The first is, procreation of children, for the propagation and continuance of the seed and posteritie of man vpon the earth, Gen. 1.28. *Bring forth fruit, muli-
plie, fill the earth, and subdue it,* Genes. 9.1.
1. Tim. 5.14.

The second is the procreation of an holy seed, wherby the Church of God may be kept holy and chaste, and there may alwaies be a holy company of men, that may worship and serue God in the Church from age to age, Malach. 2. 15. *And did not he make one? yet had hee a-
bundance of spirit; and wherefore one? be-
cause he sought a godly seed.*

The

The third is, that after the fall of mankind, it might be a soueraigne meanes to auoid fornication, and consequently to subdue and flake the burning lusts of the flesh, 1. Cor. 7. 2. *Neuerthelesse for the auoiding of fornication, let euery man haue his wife, and euery woman haue her husband. verl. 9. But if they cannot abstaine, let them marrie; for it is better to marrie, then to burne.* And for this cause, some Schoolemen doe erre, who hold that the secret comming together of man and wife, cannot be without sinne, vnlesse it be done for procreation of children. Lombard the master of the Sentences saith the contrarie, namely, *that mariage before the fall was only a dutie, but now since the fall it is also a remedie.*

The fourth end is, that the parties married may thereby performe the duties of their callings, in better and more comfortable manner. Prou. 31. 11. *The heart of her husband trusteth her, and hee shall haue no need of spoile. verl. 13. She seeketh wooll, and flaxe, and laboureth cheerefully with her hands.*

Mariage is free to al orders, and sorts
of

of men without exception, euen to those that haue the gift of continencie; but for them which cannot abstaine, it is, by the expresse commandement of God, necessarie. Hebr. 13. 4. *Mariage is honorable amongst all men, and the bed undefiled.* 1 Cor. 7. 9. *But if they cannot abstaine, let them marrie.*

By which it appeareth to be a cleare case, that the commandement of the Pope of Rome, whereby he forbiddeth mariage of certaine persons, as namely, of Clergie men, is meerely diabolicall; for so writeth the Apostle, 1. Tim. 4. 1. *The spirit speaketh evidently, that in the latter times some shall depart from the faith, and shall giue heed vnto spirits of error, and doctrines of diuels, vers. 3. forbidding to marrie.*

But against this doctrine sundrie things are alleaged.

Obiect. 1. The Apostle commandeth the married among the Corinthians, to abstaine with consent for a time, that they might giue themselves to fasting and praier, 1. Cor. 7. 5. I answer, that Paul speakes not in that place of daily and common seruice

seruice of God in prayer, but of the solemne and extraordinarie exercise thereof, which was ioyned with fasting and abstinence, in common dangers and calamities.

Obiect. 2. 1. Cor. 7. 32. *He that is unmarried careth for the things of the Lord, how he may please the Lord; but the married person careth for the things of the world.*

Ans. The place is not generally to be vnderstood of all, but indefinitely of those married persons that are carnall and fleshly. And he that is married, is to bee so carefull for the things of the world, as that he ought, and may haue also a special regard of those things that concerne God and his kingdome.

Obiect. 3. 1. Tim. 5. 11. *The yonger widowes (saith the Apostle) will marrie, hauing damnation because they haue broken the first faith.* Ans. By the first faith, Paul vnderstandeth that promise and vow which they made vnto Christ, when they were baptised; and they are there said to begin to waxe wanton against Christ, by denying or renouncing that faith, and not otherwise.

Obiect.

Obiect. 4. He that doth earnestly and from his heart, craue the gift of continencie, God will giue it him, and therefore he need not marrie.

Ans. The gifts of God are of two sorts, some are Generall, some are Proper. Generall gifts are such as God giueth generally to all, and these may be obtained, if they be asked according to Gods word, lawfully, Iam. 1. 5. *If any of you lacke wisdom, let him aske it of God, who giueth to all men liberally, and reprocheth no man, and it shall bee giuen him.* vers. 6. *But let him aske in faith, and wauer not.* Proper gifts, are those which are giuen only to some certaine men; of which sort is the gift of continencie and such like, which though they bee often and earnestly asked, yet they are seldome or neuer granted vnto some men; as appeareth in Pauls example, who being buffeted by Satan, saith of himselfe, *For this thing I besought the Lord thrice, that it might depart from me; but he said vnto me, My grace is sufficient for thee,* 2. Cor. 12. 8. 9.

CHAP. 4.

Of the Contract.

Marriage hath two distinct parts, the first is the beginning; the second, the accomplishment or consummation thereof.

The Beginning, is the Contract or Espousals; the End or accomplishment, is the solemn Manifestation of the Contract, by that which properly we call Marriage. Deut. 20. 7. *What man is there that hath betrothed a wife, and hath not taken her? Let him go and returne againe vnto his house, lest he die in battell, and another man take her.* Matth. 1. 18. *When his mother Marie was betrothed to Ioseph, before they came together, She was found with child of the Holy Ghost.*

Betweene the Contract and Marriage, there ought to bee some certaine space or distance of time. The reasons whereof may be these:

First, a businesse of so great importance as this is, would not be rashly or vnadvisedly

vnadvisedly attempted, but should rather be done by degrees in proceſſe of time, according to that ſaying, not ſo ancient as true. * *ACTIONS of weight, before reſolution, require mature deliberation.* Secondly, That during ſuch a ſpace, inquiry may be made; whether there be any iuſt cauſe, which may hinder the conſummation of Mariage: conſidering that before the parties come and conuerſe together, what is amiſſe may be remedied and amended, which to do afterward will be too late. Thirdly, In theſe caſes, perſons eſpouſed muſt haue regard of honeſtie, as well as of neceſſitie; not preſently vpon the Contract, ſeeking to ſatiſfie their own fleſhly deſires, after the manner of bruite beaſts, but proceeding therein vpon mature deliberation.

* *Dix deliberandum quod ſemel ſtatuendum.*

The Contract is a mention of mutuall promiſe of future mariage, before fit and competent Iudges and Witneſſes.

The beſt manner of giuing this promiſe, is, to make it * *in words touching the preſent time*, and ſimplie without any

* *In verbis de preſenti & non de futuro.*

exception or condition expressed or conceiued. For by this meanes it comes to passe, that the bond is made the surer, and the ground or foundation of future mariage the better laid. And hence alone it is, that the persons betrothed in Scripture are termed man and wife. *Jacob* speaking of *Rabel*, who was only betrothed vnto him, saith to *Laban*, *Giue me my wife*, Genes. 29. 21. Deut. 22. 23. *If a maid bee betrothed to a husband, and a man find her in the towne, and lie with her, then shall yee bring them both out vnto the gates of the citie, and shall stone them with stones to death, the maid, because she cried not being in the citie, and the man, because hee hath humbled his neighbours wife.* Marth. 1. 20. *Ioseph* feare not to take *Mary* thy wife.

* *Fu futu-
rum.*

Now if the promise bee vttered in words, * *for time to come*, it doth not precisely bind the parties to performance. For example, if one of them saith to the other; *N. I will take thee*, &c. and not, *N. I do take thee*, &c. by this forme of speech the match is *not made, but only promised* to bee made afterward. But if

on

on the other side it be said, *N. I do take thee*, and not, *I will take thee*; by these termes, the mariage at that very instant is begun, though* not in regard of fact, yet in regard of right and intrest, which the parties haue each in another in deed and in truth. And this is the common opinion of the learned. Yet notwithstanding, if the parties contracting shall say each to other, *I will take thee to*, &c. with intention to bind themselves at the present; the bond is in conscience precisely made before God, and so the Contract is indeed made * *for the present* time before God. True it is, that he which standeth to his promise made, as much as in him lieth, doth well: yet if the promise hath or conceiueth some iust cause, why hee should afterward change his purpose, the Contract expressed in termes for time to come, though it were formerly made, & confirmed by oath, must notwithstanding giue place to the Contract made for time present.

* *Non de facto, de iure.*

* *De presenti.*

Those espousals, which are made vpon condition, which is honest, pos-

sible, and belonging to Mariage, doe cease or depend: so far forth as the condition annexed ceaseth or dependeth. For example; If the one partie promi-
seth to marry the other vpon cōdition, that his or her kinsman will yeeld consent to the match; or vpon condition of a dowrie that shee shall bring vnto him, sutable to her education, and the familie whereof she commeth: these conditions being kept or not kept, the promise doth likewise stand, or not stand.

But those conditions which are necessarily vnderstood, or which may certainly be kept and come to passe, do neither hinder nor suspend Mariage. As this: *I promise thee mariage, if I liue;* or, *I promise to marie thee, if the Sunne rise to morrow.*

Againe, conditions that are either impossible or dishonest, are not to bee accounted as promises annexed * in way of Mariage. Of which sort are these, *I wil be thy wife, if thou wilt take vnto thee wings and flie,* or, *If thou wilt bring an vntimely birth.*

* *In fauor-
rem Ma-
trimony.*

Further.

Furthermore, if the parties betrothed, do lie together before the condition (though honest & appertaining to mariage) be performed; then the contract for time to come is, without further controuersie, sure and certaine. For where there hath been a carnall vse of each others bodie, it is alwaies presupposed, that a mutuall consent, as touching Mariage, hath gone before.

CHAP. 5.

*Of the choise of persons fit for
Marriage.*



Or the making of a cōtract, two things are requisite: first the choice, & then the consent of the parties:

Choice is an enquirie after persons marriageable.

Persons marriageable, are such as be fit and able for the married state.

This fitnes or abilitie is knowne and discerned by certaine signes; which are either essentiall to the contract, or accidentall.

An essentiall signe is that, without which the contract in hand becomes a meere nullitie. And of this sort there are principally five.

The first is the distinction of the sex, which is either male, or female. The male is man of a superiour sexe, fit for procreation. The female is woman of an inferiour sexe, fit to conceiue and beare children. 1. Cor. 11. 7. *The man ought not to couer his head; for as much as he is the Image and glorie of God; but the woman is the glorie of the man.* 1. Tim. 2. 12. *I permit not the woman to teach, neither to vsurpe authoritie ouer the man, but to be in silence.* By this distinction is condemned, that ynnatural and monstrous sin of vncleannes betweene parties of the same sexe, commonly termed Sodomie; as also the confusion of the * kinds of creatures, when one kind commits filthinesse and abomination with another.

Rom. 1. 26

* Species.

Leuit. 18
22. 23.

The second signe, is, the iust & lawfull distance of blood.

Distance of blood is then iust and lawfull, when neither of the persons that

that are to be married, do come neare to the kindred of their flesh, or to the flesh of their flesh, for so the Scripture speaketh, Leuit 18.6. *No man shall come neare to any of the flesh of his flesh: or to the * kindred of his flesh.* Where it is to be obserued, that by a *mans flesh* is meant that substance which is of himselfe, or whereof himselfe consisteth. And by the *flesh of his flesh*, that which next and immediately issueth out of that flesh whereof he consisteth. Whereupon it followeth, that the touching or coming neare of flesh to flesh, is not *spoken of strangers*, but *of those* only that are of kindred.

Kindred is of two sorts, consanguinitie, or affinitie.

Kindred in consanguinitie, are those which issue from out, & the same common blood or stocke. And there be certaine degrees, whereby kinsmen of this sort are distinguished one from another.

A degree is a generation or descent betweene two persons that are of the same blood. For one person cannot
make

Ebr. כשרו
שאר

make a degree, vnlesse he be considered relatively in regard of generation.

Now many degrees continued or deriued from one and the same head, do make a Line; And a Line is twofold, the Right line, or the Ouertwart, commonly termed collaterall.

In the Right Line, looke how manie persons there are, so many degrees there be, that only excepted, which vpon occasion offered, is in question, and from which we begin the account.

Abraham.

|

Isaac.

|

Iacob.

|

Ioseph.

Heere *Ioseph* is distant three degrees from *Abraham*, *Iacob* two, *Isaac* one, or the first.

This Right line is either ascending or descending.

The right line ascending, is the race of all the ancestors; and it hath sundrie degrees. Of the first whereof is, the father

ther and the mother; of the second, the grand-father both by the father and mothers side, that is, the father of my father, and the father of my mother; and the grand-mother, that is to say, my fathers and my mothers mother. Of the third, is, the great grand-father, or the father of my grand-father; and the great grand-mother, or the mother of my grand-father. Of the fourth, is the great grand-fathers father, and the great grand-fathers, or grand-mothers mother. Of the fifth, is the great grand-fathers grand-father, & the great grand-fathers, or great grand-mothers grand-mother. Of the sixth, is the great great grand-fathers grand-father; & the great great grand-fathers, or great great grand-mothers grand-mother.

The right line descending, is the race of a mans owne posteritie. And that also hath sundrie degrees. The first whereof is, the sonne and the daughter; the second, the nephew, and the neece; the third, the nephews sonne, and the neeces daughter. The fourth is the nephews nephew, or the sonne in the fourth

make a degree, vnlesse he be considered
relatiuely in regard of generation.

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deriued from one and the same head,
do make a Line; And a Line is twofold,
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ther

ther and the mother; of the second, the grand-father both by the father and mothers side, that is, the father of my father, and the father of my mother; and the grand-mother, that is to say, my fathers and my mothers mother. Of the third, is, the great grand-father, or the father of my grand-father; and the great grand-mother, or the mother of my grand-father. Of the fourth, is the great grand-fathers father, and the great grand-fathers, or grand-mothers mother. Of the fifth, is the great grand-fathers grand-father, & the great grand-fathers, or great grand-mothers grand-mother. Of the sixth, is the great great grand-fathers grand-father; & the great great grand-fathers, or great great grand-mothers grand-mother.

The right line descending, is the race of a mans owne posteritie. And that also hath fundrie degrees. The first whereof is, the sonne and the daughter; the second, the nephew, and the neece; the third, the nephews sonne, and the neeces daughter. The fourth is the nephews nephew, or the sonne in the fourth

fourth degree of lineall descent, & the neeces neece, or the daughter in the same degree of descent. The fift is hee and she that are three lineall descents from the childs child. And so are the rest in their order, by what names sooner they be called and knowne.

Now in this right line, whether ascending or descending, the person, of whom the case or question is moued, commeth neere to the kindred of his flesh. And therefore mariages in this line are prohibited infinitely, without any limitation; so as if *Adam* himselfe were now aliue, he could not marry by the law of God, because hee should come neare to the kindred of his owne flesh, as *Moses* speaketh. The reason hereof is, because in the right line, superiours and inferiours are to each other as parents and children; and the kindred betweene parents & children, being the first and nearest of all other, their coniunction in marriage must needs bee most vncleane, and repugnant vnto nature.

The collaterall or crooked line, is
that,

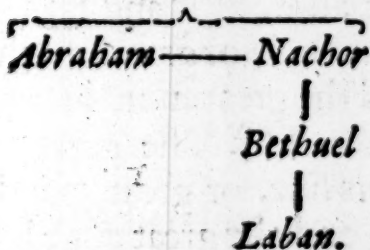
that, which walketh by the sides of the right line, whether ascending or descending, in the row of the kindred. And it is either vnequall or equall.

The vnequall is that, whereby the person in question and his kinsman, are vnequally distant from the common stocke, or head of the kindred.

And in this line, looke how many degrees the kinsman that is furthest off from the common stock, is distant from the same, so many is he and his kinsman in question distant one from the other.

For example,

Thare.



Heere *Laban* being remoued furthest off, to wit, three degrees from the common stock *Thare*; is likewise three degrees distant frō *Abraham*, his great vnckle, and *Abraham* so many from him.

Further

Furthermore, kinsmen in this Line are of two sorts; some are Superiours to the person in question, some are Inferiours to him.

Superiours are such, as are a kinne to his father, and mother, *of some side;* and that either nearer, or further off.

Those that are *of neare kin* to them, bee these. I. The vnclē of the fathers side, or the fathers brother; the aunt of the fathers side, or fathers sister. The vnclē of the mothers side, or the mothers brother; the aunt of the mothers side, or the mothers sister. II. The great vnclē, or grand-fathers brother; the great aunt, or grand-fathers sister. The great vnclē, or grand-mothers brother, and the great aunt, or grand-mothers sister. III. The great vnclē by the fathers side, or great grand-fathers brother; and the great aunt by the fathers side, or great grand-fathers sister. The great vnclē by the mothers side, or the great grand-mothers brother; and the great aunt by the mothers side, or the great grand-mothers sister. IV. The great grand-vnclē by the fathers side,

or

or great grand-fathers fathers brother :
and the great grand-aunt by the same
side, or the great grand-fathers fathers
sister. The great grand-uncle by the
mothers side, or great grand-mothers
mothers brother : and the great grand-
aunt by the same side, or the great grand-
mothers mothers sister.

Now these in regard of their inferi-
ours, are in stead of parents, and there-
fore do come neare to the kindred of
their flesh.

Those superiours which are of kin-
dred to parents on the one side, *a farre*
off, are these. I. The sonne and daugh-
ter of the great uncle or aunt by the fa-
thers side ; or of the great uncle or aunt
by the mothers side. II. The nephew
and neece of the great uncle or aunt by
the fathers side, or of the great uncle or
aunt by the mothers side, *neare to the co-*
zingermane.

Sobrino
propior.

And these as they stand in compa-
rison with their inferiours, doe not
come neare to the kindred of their
flesh.

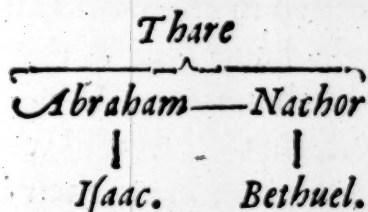
The equall collaterall line, is that,
whereby

whereby kinmen are equally distant from their head.

Kinmen of this line, are, I. whole brothers, that is, brothers by the same father and mother, or halfe brothers, that is, brethren by the same father, but not by the same mother. Again, whole sisters by the same father or mother, or halfe sisters by one of them and not by both. II. The brothers children or cousin Germans; that is, the vncles sons or daughters, or the aunts sonnes or daughters. The sisters children, or cousin Germans; that is, the aunts sonnes or daughters, which are the children of two sisters. III. The cousin-german, the son of the great vncle by the fathers or mothers side, and the cousin-german the son of the great aunt, by the fathers or mothers side. The cousin-german the daughter of the great vncle, by the fathers or mothers side, and the cousin-german, the daughter of the great aunt by the same sides.

In this line, looke how many degrees the partie in question is removed from the common stocke, by so many twice-told,

told, is he remoued from his kinsman in question. Put the case betweene *Bethuel* and *Isaac*, as in this example.



Heere *Bethuel* being two degrees remoued from *Thare*, is foure degrees distant from *Isaac*.

Now he that is in the second degree of this line, comes neare to the kindred of his flesh; and for that cause the marriages of brethren, and sisters are vnlawfull, and forbidden.

But against this, sundrie things are alledged.

Obiect. 1. The sons of *Adam*, who were the first brethren in the world, married their sisters; marriages therefore in this degree may seeme to bee lawfull. *Answ.* The case of those persons in those times, was a case of necessitie, which could not be auoided, and thereupon was warranted by diuine dispensation. For God had giuen them his

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owne expresse commandement in this behalfe; *Bear fruits and multiplie*, Gen. 1.28. Besides that, there were then no other women in the world, by whom they might haue issue and posteritie, but only by their sisters. Whereupon it is manifest, that Gods will was, to permit them to take euen their sisters to their wiues. But now out of this speciall dispensation from God, such marching is viterly vnlawfull, being an apparent breach of another expresse commandement giuen afterward by God himselfe, *Leuit. 18.9.11*. To this purpose saith *Augustine* in way of answer to the example propounded. *The practise of those first times, then backed by urgent necessity; the more ancient it was, the more damnable it proued afterward, when it was restrained by Gods commandement.*

*De ciuit.
Dei. lib.
13. ca. 16.*

Object. 2. Sarah was Abrahams sister, and yet Abraham tooke her to wife. Gen. 20. 12. Yet in very deed she is my sister, for she is the daughter of my father, but not the daughter of my mother, and shee is my wife. Gen. 11. 29. Abraham and Nahor tooke them wiues, and the name of Abrahams

Abrahams wife was Sarah. Answ. Touching this instance, there are sundrie opinions. The Iewes doe grant thus much, that she was called by a name common to all kinsfolke of that sexe, to wit, a *Sister*; yet indeed shee was *Abrahams* neece, the sister of *Lot*, and the daughter of *Haran*, *Abrahams* brother, which *Moses* elswhere calleth *Ische*, Genes. 11. 29. Others thinke, that shee was daughter in law to *Thare*, *Abrahams* father; because *Abraham* himselfe saith, *She is the daughter of my father, not of my mother*. Others are of opinion, that she was *Harans* daughter in law, and after his death was translated into the family of *Terah*, her grand-father; who was also instead of her father being dead, and thence shee was termed his daughter. Now howsoever in this varietie of iudgements, it is hard to find certaintie of truth, yet this is out of doubt, that God in those daies tolerated many things, which notwithstanding he did not altogether approue.

Obiect. 3. 2. Sam. 13. 13. *Thamar* saies to her brother *Amnon*; *Speake I pray thee*

to the King, and he will not denie mee unto thee. *Ans.* The speech of *Thamar* is not simplie to be taken, as if she desired that which she said, or as if it were lawfull to be done, which she wished him to do; but only that she sought to put him off, by giuing him this counsell, in respect of her owne deliuerance from that present danger; wherein shee was. Or at least it way be said, that she erroneously supposed it was lawfull for the King to grant such a sute, if it had bin made vnto him by her brother *Amnon*. Whether way soeuer this speech bee taken, there can no such thing bee gathered thence, as is pretended.

Now out of the second degree of the equal collateral line, it should seeme that those who are ioyned one to another in mariage, do not touch the kindred of their flesh; and therefore the law of God forbiddeth not cōsobrines or cousin-germans, that is, brothers and sisters children to marrie.

Yea if examples be of force for this purpose, the Scripture approueth such mariages. For thus it is written, that *Ja-*

cob married Rahel the daughter of Iban, his mothers brother, Genes. 28. 2. Againe, that Mahlah, Tirzah, and Heglah, Milcah and Noah the daughters of Zelophehad, were married vnto their fathers brothers sonnes, Numb. 36. 11. And Othniel the sonne of Kenaz, the cousin of Caleb, tooke Kiriath-sepher; and hee gaue him Asah his daughter to wife, Ios. 15. 17.

Howbeit in this case, the rule of the Apostle is to be followed; *That nothing be done, euen in things that are otherwise lawfull, whereby a mans brother may stumble, or bee offended, or made weake, Rom. 14. 21.* Wherefore it is conuenient, that such mariages should not be, because sometimes they may giue offence in regard of the law of the Magistrate; and because they come somewhat neare to the bonds and termes of blood and stocke, which God hath set downe in his word. *Augustine* in his 15. booke, *De ciuitate Dei*, chap. 16. saith to this purpose, *Experti autem sumus, &c.* that is, *We haue found by experience, that in regard of that neerenesse of blood, which cousin-germans haue vnto the degrees of*

brothers and sisters, how rarely custom hath admitted those mariages, which were warrantable by lawes, because the law of God hath not forbidden them, nor as yet the law of man. Neuerthelesse the practise lawfull in it selfe, was forborne the rather, because it came neare to that which was unlawfull, and therefore mariage with the cousin-german, seemed in a manner to be mariage with a mans own brother or sister, &c. Howbeit, there is no question, but in these times it hath been well provided by lawes, that such mariages should not be undertaken. For as the multiplication of alliance is hindered thereby, so this in-conuenience also groweth from them, that friendship and loue which is procured by affinitie, betweene men that are strangers; cannot be enlarged and encreased, where men goe not out of the limits, and termes of their owne blood; Yea, there is naturally in man a commendable measure of shamefastnesse, whereby upon consideration of neareress in blood, hee acknowledgeth a due debt of modestie and honor to his next kindred, and consequently restraineth himself in regard of them from the occasions and actions of concupiscence, where

whereunto hee is inclinable in respect of others. And hence it is, that generally the modestie that ought to be in those which intend mariage, avoideth as much as may be, these and such like coniunctions. The same is the iudgement of *Ambrose* in one of his Epistles to his friend *Paternus*, where in he dissuadeth him from marrying his sonne with his cousin-german, vpon the grounds before alledged by *Augustine* adding this withall, that though it were in it selfe lawfull, being no where forbidden by God, yet in sundrie respects being inexpedient, it ought not to be done, according to the saying of the Apostle, *All things are lawfull for me, but all things are not expedient.*

Epistol. li.
8. epist. 66.

1. Cor. 6.

But it is auouched to the contrarie, that God by expresse law forbiddeth mariage with the aunt, the fathers sister. *Leuit. 18. 12.* and with the mothers sister. *vers. 13.* and with the fathers brothers wife, which is also the aunt, *vers. 14.* therefore by the law of proportion, he forbiddeth matching with the children of these persons. For in nature it is a ruled case: If a man may not marrie the

D 4 mother,

mother, much lesse may he marrie the daughter.

Ans. The argument is faultie, and concludes nothing to the purpose. For there is not the same reason of both. In the right line of consanguinitie, those which are sisters to father and mother, stand in the place and stead of parents; and their nephewes and neeces are to them as children, therefore mariages among them can stand by no law, either of God, of nature, or by the positive lawes of nations. It is not so with cousin germans. For hauing no such relation, there is not in their mariages, by the law of *Moses*, any discouerie of shame, or breach of ciuil honestie. The blessing of God vpon some of them mentioned in Scripture, as vpon *Iacob* and *Rahel*, and such like, doe euidently shew that they were lawfull in themselves, and pleasing vnto him. And thus much touching kindred by blood or consanguinitie.

Kindred in affinitie, is that, whereby the termes of two kindreds, are brought into the societie of one and the same familie;

familie; or whereby persons that are not of blood, are by marriage allied each to other. Hence it is termed affinity, because it maketh an vnitie of termes in kindred, which before were distant.

Affinity or alliance groweth by mixture or participation of blood, in the coupling of man and wife together in lawfull mariage. For a bare and simple contract, maketh not alliance betweene partie and partie properly, but mariage after the contract finished and consummate.

Againe, the same alliance ceaseth and determineth vpon the death of either partie espoused or married; yet so as the prohibition of coniunction remaines, and stands in force, for the preservation of publike honestie.

Now there is a kind of resemblance and proportion betweene kindred of blood, and kindred by mariage, not only in regard of degrees and line, but also in respect of the prohibition of degrees.

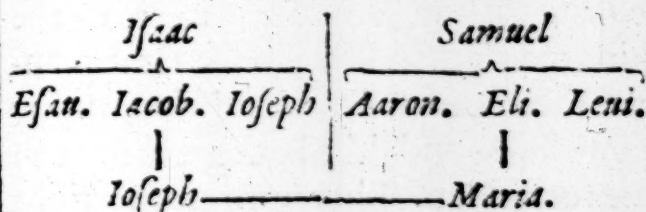
Those that are of alliance, are commonly

monly reduced to these heads. I. The father in law, or the husbands or wiues father. The mother in law, or the husbands or wiues mother. II. The mothers husband, or step father to them that come by another man. The fathers wife, or step-mother to those that come by another woman. III. The wiues fathers father, or grand-father, and the wiues mothers mother, or grand-mother; or the grand-father and grand-mother of the wife. IV. The sonne in law, or daughters husband, and the daughter in law, or sons wife. V. The neeces husband, & the nephewes wife. VI. The step-son, or son in law, that is, the son of a man by another wife, or of a woman by another husband. The step-daughter, or daughter in law, that is, the daughter of a man by another wife, or of a woman by another husband. VII. The step-sons son, or his son who comes of a man by another woman, or of a woman by another mā. And the step-daughters daughter, or her daughter who comes of a man by another woman, or of the woman by another

another husband VIII. The husbands or wives brother, & the husbands sister, or brothers wife. IX. The sisters husband, and the brothers wife.

Concerning affinitie, I propound these rules.

I. Looke in what degree a man is of consanguinity to ones wife, in the same degree of affinitie hee is to the wifes husband. And contrariwise for example.



Heere, if *Mariae Iosephs* wife, be distant from *Esaú Iosephs* vncle by the fathers side, two degrees, then also is *Ioseph* himself distant from *Aaron* the brother of *Eli* his father in law, two degrees. If *Mariae* the wife, be distant from her own father *Eli* one degree, and from her grand-father *Samuel* two; then also is her husband distant from *Eli* his father in law, one degree, and from *Samuel* his wifes grand-father, two. Another example.

Herod.

*Herod.**Herod.**Philip, whose wife is
Herodias.*

Heere *Herod* being in the first degree of consanguinitie with his brother *Philip*; *Herodias* his brothers wife is in the first degree of affinitie to him.

II. *Rule.* Cousins by mariage within the degrees, both of the right and collaterall line, doe come neere to the kindred of their flesh, in the same manner that cousins by bloud doe, in the same lines; and the like degrees in both are forbidden. Therefore in the right line of affinitie, it is as well vnlawful for the father in law to marrie the daughter in law, or the sonne in law to marry the mother in law; as it is for the father to marrie the daughter, or the sonne the mother. Againe, in the collaterall, it is as vnlawful for the vncl by the mothers side, to marrie the wife of his sisters son, and so in other degrees, as it is for him to match in the same degrees of cōsanguinitie. The reason is, because in these lines, as well as in those of consanguinitie,

sanguinitic, superiours and inferiours, are each to other as parents and children.

From hence amongst other things, it may bee gathered, that it is in no sort lawful for a man, when his wife is dead, to marrie her sister, Leuit. 18. 16. *Thou shalt not discover the shame of thy brothers wife; for it is thy brothers shame.* And Leuit. 20. 21. *The man that taketh his brothers wife, committeth filthines, because he hath vncovered his brothers shame.*

Against this doctrine it is objected. First, that God commandeth not to take a wife with her sister, during her life, Leuit. 18. 18. in which place, hee doth not simplie forbid a man to marry two sisters one after another, but to marrie them both together, and therefore after the wife is dead, a man may marrie her sister.

Ans. The place is a flat prohibition of the sin of *Polygamie*. For to take a wife to her sister in the Hebrew phrase, is nothing else but to take two wiues one to another. The like forme of speech is vsed elsewhere by *Moses*, as Exo. 26. 3.

Fin

Five curtaines shall bee coupled together, [the woman to her sister] that is, one to another; *and the other five curtaines shall be coupled* [the woman to her sister] that is, the one to the other. Ezech. 1. 9. *The foure beasts were ioyned with their wings,* [the woman to her sister] that is, the one to the other. Againe, *Moses* himselfe there alledgeth two reasons against *Polygamie*: the one is, because the man is to loue, cherish and comfort his wife; whereas, if he should take vnto him another besides her, he should greatly vex his first lawfull wife. The other, because by that meanes he should vncouer the shame of his wife; that is, he should play a very dishonest part with her, to whom he was before lawfully married.

Obiect. 2 The Lord commanded by a speciall law, that the brother, in case his brother died without issue, should take his wife, and raise vp seed vnto him, Deut. 25. 5.

Answ. The words of *Moses* are a speciall exception of a generall law propounded in Leuit. 18. 16. *Thou shalt not discover the shame of thy brothers wife; for* it

it is thy brothers shame. And they are peculiarly directed to the Israelites, vpon speciall cause; that, when the elder brother died without seed, the name of the first borne might not be extinct, but the familie might bee preserued in that name, by raising vp of seed vnto him, which being a priuiledge proper to the Israelites, vpon that speciall consideration, it must not bee enlarged to any other sort of men whatsoeuer. Neither is the text to be vnderstood of cousins remoued only, as some thinke, but also of the next of the kindred by blood; as appeareth plainly by the historie of *Ruth*, chap. i. vers. ii. in these words of *Naomi* to her daughters in law, *Turne againe, my daughters; for what cause will you go with me? Are there any moe sonnes in my wombe, that they may bee your husbands? Turne againe, my daughters, go your way, for I am too old to haue a husband,* &c.

III. Rule. The wiues kinsman by blood, is of affinitie to her husband only; but vnto his kindred by blood, the said kinsman hath no affinitie at all. So
on

on the contrarie it is true, that though the husbands kinsman by blood, be allied to his wife, yet he hath no alliance to those that are kinsmen of blood vnto her. The reason is, because betweene the kindred of blood on the mans side, and the kindred of blood on the womans side, there is no affinitie. For the prohibition of the degrees of affinitie, hath force in those only which are the cause thereof, and goeth no further. Now the cause being only in the married persons themselves, the effect may not in reason be enlarged, to them that are of the same blood with either of them.

From this rule it followeth, that the kindred of both married persons by blood, may lawfully match together. The sonne in law, may match with the daughter of his mother in law. The father and the son by another wife, may marrie the mother and the daughter. Two brothers may lawfully match with two sisters.

*Beza de
repudijs.
82.*

IV. *Rule.* Kindred of affinitie to the wife, are also kindred of affinitie to her husband;

husband; but how? not properly, but only after a sort, and as it were, of affinity. So on the contrarie. Kindred of alliance to the husband, are, as it were, of alliance to his wife. For example. The wife of my father in law, which is not my wiues owne mother, but her step-mother, is, as it were, my mother in law, for she is (as it were) of affinity to me, because she is indeed of affinity to my wife.

Those which are of affinity only after a sort, cannot conueniently match one with another. And therefore the sonne in law may not marrie with his wiues step-mother; because being of affinity to his wife, shee is in stead of a mother in law to him. Neither may the daughter in law match with her husbands step-father, because hee is (as it were) a step-father to her. Againe, my sisters husband may not marry my brothers wife; for they are after a sort, brother and sister each to other. The reason hereof is, because the wife is holden in law a * part of her husband, and therefore if affinity hinders mariage with

E

one

* Cuius
nuptias
inire non
licet, eius
nec coniu-
gis licet.

one of the married couples, it hindreth as well in the like case and respect, marriage with the other.

And thus much touching the distance of blood, which in the choice of persons fit for marriage, is most necessarily to be obserued. For in the 18. chapter of *Leuiticus*, there are sixteene severall sorts of persons with whom marriage is forbidden. The first is the mother. The second is the step-mother. The thid, the sister by the same father and mother. The fourth, the half-sister, by one of the parents only. The fifth is the neece by the sonne. The sixth, the neece by the daughter. The seventh, the fathers sister. The eight, the vncles, that is, the fathers brothers wife. The ninth, the mothers sister. The tenth, the daughter in law, or sons wife. The eleuenth, the brothers wife. The twelfth, the wiues mother. The thirteenth, the step-daughter, or the wiues daughter by another husbād, or husbāds daughter by a former wife. The fourteenth, is the step-sonnes daughter, that is, his daughter who was the wiues sonne by another

another husband. The fifteenth, the step-daughters daughter. The sixteenth, is the wiues sister. And not only these, but all other answerable to them, either in the same or like degree, are by equall proportion forbidden to be had in marriage.

It is alledged, that the prohibitions mentioned in that chapter, are meereley Mosaicall, that is, Ceremoniall, and therefore doe not bind vs now in the new Testament.

Ans. It is a flat vntruth; as shall appeare by these reasons.

First, the Cananites long before these lawes were giuen by *Moses* to the Israelites, were grieuously afflicted for the breach and contempt of the same, as may bee gathered by that which is written in the same chapter of *Leuiticus*, vers. 3. *According to the workes of the land of Canaan, yee shall not do, neither walke in their ordinances.* And vers. 24. *You shall not defile your selues in any of these things: for in all these the nations are defiled, which I will cast out before you.* vers. 25. *And the land is defiled; therefore I will visite the wic-*

Chap. 18.

kednes thereof vpon it, and the land shall vomit out her inhabitants.

Secondly, the Prophets themselues after *Moses*, are wont to account these prohibitions not Ceremonial, but Morall. *Ezech. 22. 10. In thee, haue they discovered their fathers shame; in thee haue they vexed her, that was polluted in her flowers. Amos 2. 7. A man and his father will go in to a maid, to prophane the name of my holinesse.*

Thirdly, the same lawes are also vrged in the new Testament, wherin Legal Ceremonies were determined, and had their end. *Mark. 6. 18. Iohn said to Herod, It is not lawfull for thee to haue thy brothers wife. 1. Cor. 5. 1. It is heard certainly, that there is Fornication among you, and such Fornication, as is not once named among the Gentiles, that one should haue his fathers wife.*

Fourth y, Nature it selfe by proper instinct, abhorreth such kind of conjunctions, & the prohibitions of them, haue sufficient ground, euen from her principles. For to this purpose it is, that not only the lawes of the Romane Emperours,

perours, but also the ciuill Canons and constitutions of men, very skilfull in that kind, haue in all ages expresly bin made against such persons, as haue offended in those societies forbidden by the law of *Moses*.

Fiftly, The Lord himselfe hath denounced many and great punishments to be inflicted vpon the breach of the same lawes. *Leuit. 20. 11. The man that lieth with his fathers wife, because hee hath vncouered his fathers shame, they shall both die; their blood shal be vpon them. vers. 12. The man that lieth with his daughter in law, they both shall die the death; they haue wrought abomination; their blood shall bee vpon them. vers. 14. He that takes a wife and her mother, committeth wickednesse; they shall burne him and them with fire. vers. 16. The man that taketh his sister, his fathers daughter, or his mothers daughter, and seeth her shame, and she seeth his shame; it is villanie: therefore they shall be cut off in the sight of their people. vers. 20. The man that lieth with his fathers brothers wife, and vncouereth his uncles shame, they shall beare their iniquitie, & shall die child-*

lesse. Deut. 23. 2. A bastard shall not enter into the congregation of the Lord, euen to his tenth generation. Deut. 27. 20. Cursed be he that lieth with his fathers wife.

The third essential Signe of a person mariageable, is abilitie and fitnesse for procreation. And this in an holy and modest sort is alwaies supposed to bee in the partie contracted, vnlesse the contrary be manifestly knowne, & discerned by some apparent infirmirie in the bodie.

Hence I gather, that it is vnlawful to make a contract with such a person, as is vnfit for the vse of mariage, either by naturall constitution of bodie, or by accident. For example; in regard of sickness, or of frigiditie, or of the palsie vncurable, or lastly of the deprivation of the parts belonging to generation. These and such like impediments are of force, though a contract should already be made, yet to make it a meere nullitie, considering that God maketh knowne his will in them, that hee approoueth not of such espousals, but would haue them to be dissolued.

Againe,

Againe, that which is made betweene two persons that are * vnder age, is to bee holden and accounted as vnlawfull. And though it should be done by consent, or cōinadement of Parents, yet it is of no moment. This alwaies remembered; except it bee ratified by a new consent of the parties after they be come to age; or that they in the meane time haue had priuate and carnall copulation one with another.

* Impubes.

Againe, put the case two be espoused, whereof the one is vnder age, the other of full age; the partie that is of full age, ought to carrie and expect the time, wherein the issue of the espousals formerly made, may bee manifested. And the vnder-aged may not break off consent, either before, or when they be come to perfect yeares, but must rest in expectation of the accomplishment of the contract, when hee or she shall be out of their minoritie.

The fourth essential Signe, is a sound and healthfull constitution of bodie, free from diseases incurable contagious.

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Whereupon it followeth, that a promise of mariage made betweene those, whereof the one hath a disease so lothsome, as that the other vpon good ground cannot possible endure familiar societie and companie with him; though it do not wholly hinder the vse of the bodie, is vtterly vnlawfull.

Of this sort is the Leprosie, the Fréche poxe and such like. For seeing there cannot be any matrimonial vse of them that are tainted with such contagious diseases, without apparent danger of infecting each other, and those also, which haue societie with them, and others; yea and by this meanes the issue of their bodies, growing of a corrupted seed, are euen borne to perpetual miserie, and to the great hurt and hindrance of the Common-wealth; the case is plaine, that such mariages cannot be vndertaken with good conscience.

** Turpi.*

Now if the one party haue a disease, though not contagious, yet either incurable, or so *lothsome, as the other hath iust cause to abhor his companie; for example, if he be sicke of a Lethargie,

gie, of the falling sicknes, or such like diseases; then, though it be lawfull to match with him, because such a contract is not expressely forbidden, neither is it apparantly hurtfull to the Commonwealth, yet is it not expedient, because the disease being lothsome to the sound partie, the mariage also will become vnprofitable, and the partie in danger of breaking the commandemēt of the Morall law, wherein God forbiddeth to commit adulterie.

The fifth essentiall Signe of a person mariageable, is freedome from mariage; whereby both the parties which enter contract, are so at libertie, that neither the man hath in present another wife, or is promised to another; nor the woman hath another husband, or is promised to another. The reason is, because God himselfe esteemeth that mariage only lawfull, wherein one man is ioyned to one woman, and they both into one flesh; & consequently iudgeth it vnlawfull, as for one man to haue more wiues; so for one woman at the same time to haue more husbands.

Hence

Hence it followeth, that it is against the law of God, and the first institution of mariage, that a contract should be made betweene such persons, whereof the one is formerly betrothed to another. For so long as the first promise stands in force, the man can no more be betrothed to two women, then he may be the husband of two wiues; because the spouse by the bond of her promise to the man, becomes a wife; and the man by the bond of his promise to the woman, becomes an husband, Deut. 22.23.24.

Againe, there can bee no sure-making, and consequently no mariage with such a one, as either hath been diuorced without a sufficient cause, or hath wrongfully forsaken and reiected a lawfull mate before. To this purpose saith our Sauour Christ, Matth. 19.9. *I say vnto you, that whosoever shall put away his wife, except it be for whoredome, & marieth another, committeth adulterie; and whosoever marrieth her which is diuorced, committeth adulterie.* And Saint Paul, 1. Cor. 7.11. *But & if she depart, let her remaine*

maine unmarried, or bereconciled vnto her husband, and let not the husband put away his wife.

Hitherto I haue treated of essentiall markes, which belong to the being of mariage. Now I come to those that are accidentall.

An accidentall marke of a person fit for mariage, is that, which belongeth not to the being, but to the well being, that is, to the holines and puritie of that estate. And of this sort, there be three that are the principall.

The first is paritie or equality, in regard of Christian religion; For in marriage, there is a speciall care to be had, that belieuers be matched with belieuers, and Christians with Christians; not belieuers with Infidels, or Christians with Pagans. For the former sort are only and alwaies to be made and kept, and the latter to be auoided, yea inhibited by positiue lawes and constitutions, the breach whereof in such cases is seuerely to be punished. The neglect of this point was one principall cause of the destructiō of the old world
by

by the flood. Gen. 6. 2. *The sons of God saw the daughters of men, that they were faire, and they tooke them wiues of all that they liked. Abraham obserued it in the mariage of Isaac his sonne, and for that purpote tooke an oath of his seruant. Gen. 24. 3. I will make thee sweare by the Lord God of heauen, and God of the earth, that thou shalt not take a wife vnto my son, of the daughters of the Cananites among whom I dwell. And in imitation of that holy example, Isaac also giues a charge vnto Iacob his son, that he should not take a wife of the daughters of Canaan, Gen. 28. 1. Afterward there was an expresse law of God giuen by Moses, touching the Gentiles that liued in that land. Exod. 34. 15. Beware that thou make not a couenant with the inhabitants of the land, &c. vers. 16. And take of their daughters vnto thy sonnes, and their daughters go a whoring after their gods; and make thy sonnes goe a whoring after their gods. And the same law was vrged by Ezra the Priest in his time. Ezra 10. 11. Separate your selues from the people of the land, and from the strange wiues. Lastly, S. Paul exhorteth*

exhorteth the Corinthiās, 2. Cor. 6. 14.
Be not vnequally yoked with the Infidels.
 And Titus 3. 10. *Reiect him that is an he-
 retike, after once or twice admonition.*

But suppose it falleth out, that the
 espousals be past, and that both parties
 at the first were believers, or one of the
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But suppose it falleth out, that the espousals be past, and that both parties at the first were believers, or one of thē only; or that at first both were vnbelieuers, and yet afterward one of them is conuerted to the faith; or further, admit that both were believers at the contract, yet within some time after, the one becomes an Infidell, that is to say, a Iew, a Turke, or an obstinate Heretike, that denies the faith, and razeth euen the very foundation of Religion; in this case what is to be done? Surely euē such espousals once made and ended, if there be no other impediments but these, are to stand & continue firme and vnchangeable; so long as the vnbelieuing partie doth willingly yeeld, and submit him or her selfe to the performance of mariage duties, properly belonging to man and wife. My reason is, the speech of *Paul*, who saith; *If any brother haue a wife, that beleueth not, if she*

she be content to dwell with him, let him not forsake her. Again, The woman which hath an husband that belieueth not, if he be content to dwell with her, let her not forsake him, 1. Cor. 7. 12. 13.

If it be heere alledged, that the sin of adulterie dissolues the bond both of contract and mariage, and therefore much more doth idolatrie or infidelity, which is a sinne farre more detestable then adulterie: I answere, that the questiō is not, whether of these is the greater sin, or more hainous in the sight of God; for Infidelitie in both respects far exceedeth the other; but whether of them is more repugnant to the nature and condition of wedlocke. Now the sinne of adulterie is that alone, which breakes the bond, and renounceth the troth plighted in mariage, and is the proper cause of a diuorce, and not Idolatrie or Infidelitie.

The second note, is parity or equality in regard of age and condition.

First of Age; because though the marriage of persons, whose yeares are farre vnequall, is not expressly forbidden in the

the word; yet is it agreeable to the rules of expediencie and decencie, that the aged should match with the aged, the yonger with the yonger.

Reasons are these. First, because the comforts of this societie in likelihood will by this meanes alwaies be equall, and consequently bring the more contentment to either partie. Secondly, these vnequall mariages are often times offensiue to others. Thirdly, they cannot but in some cases proue offensiue euen to themselues. For when a man of great yeares matcheth with a woman very yong, or a yong stripling marrieth an aged woman; the elder partie growing weake and impotent, may the sooner come to be vnfit for mariage duties; and the yonger being of greater strēgth and ability, the more in danger of being exposed to incontinencie, and that in the highest degree, vnlesse he be restrained by Gods speciall grace. For this cause it was a great fault, where-with one *Apuleius* was iustly charged, that being but a very yong man, he was married to a wife of 60. yeares of age.

Secondly,

Secondly, of condition and estate. For this also is answerable vnto the Apostles rule, who exhorteth men to thinke of, and to do those things which are *true, iust, commendable, and of good report*, Philip. 4.8. Thus it is a seemely and commendable practise, that, the Prince, the Noble man, the free-man, the gentleman, the yeoman, &c. should be ioyned in societie with them, that are of the same or like condition with themselves, and not otherwise. For this cause are the auncient Romans greatly to be commended, who (as we reade in their stories) had such a carefull respect of their mariages in this behalfe, that they made lawes and constitutions for the restraining of inequalitye of worldly estate in such societies, by this meanes preuenting much confusion and disturbance in families, and other orders of men. Whereunto agrees that of *Tertullian*, who saith, *That if a free woman had affianced her selfe to him that was a bond-man to another, and being thrice admonished thereof, by him that had authoritie ouer her, did notwithstanding perscuer*

*Tertul. ad
uxor. li. 2.*

in her purpose ; she should, according to the law, lose her freedom.

The third note is publike honestie and credit, whereby the contract made becomes a matter of good report, well thought and spoken of abroad. *Whatsoever things are of good report, thinke on them.* Philip. 4. 8. From hence I gather,

I. That it is an vnseemely thing for a mā to make promise of mariage to such a woman, as hath bin formerly deflowred, or hath and is, or may be conuincied of adulterie & vncleannes. Nay I adde further, that a cōtract made with such a one, as himself hath before deflowred, is by the law of God vnlawfull. For the adulterer and the adulteresse, by diuine law should be put to death, and be cut off from humane societie, Leuit. 20. 10.

II. It is altogether inexpedient, that a woman should be married to such a man, as hath a Concubine, vnlesse hee formerly renounce her, and testifie the same by true and vnfeined repentance. The reason is plaine. Such a mariage cannot be vndertaken in the Lord. And the partie himselfe, being before pollu-

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ted

ted with his Concubine, becomes now by mariage to another, an adulterer; and she that is married vnto him, by this her act yeelds consent vnto his adulterie.

III. That no man professing Christian religion, much lesse a Minister of the word, ought to take to himselfe in mariage a harlot, a defamed woman, or one that comes of infamous parents, though she be repentant. *Leuit. 21. 7. The Priest shall not take to wife one that is a whore, or prophaned,* that is to say, which hath an euill name, or comes of ignominious parents. Which law, though it was in part Ceremonial and Leuitical, and so far forth abrogate; yet hauing in it some Morallitie, in as much as the reason therof (to wit, because it is reprochfull to a Christian, but specially to a Minister) is still in foree, it is to be holden perpetuall. For Christian profession, and the Ecclesiasticall Ministrie is principally to be respected, and whatsoeuer may preiudice the dignitie and credit thereof, to be auoided.

Object. 1. The Prophet Hosea was
com-

commanded to take vnto him *a wife of fornication*, that is, an harlot, Hosea 1.2.

Answ. Hosea did it not in deed, but in type and resemblance. For God commanded him in his prophecie, to take vpon him (as it were) the person of a fornicator, that by this meanes hee might the more effectually charge and couince the Israelites of their vncleane and vnchast conuersation.

Obiect. 2. The Lord also forbiddeth the Priest to marrie a widow, Leuit. 21. 14. it may seeme therefore vnexpedient for a Minister so to do. *Answ.* The law concerning the mariage of a virgin, and not a widow, was not enioyned to all Priests, but only to the chiefe Priest, Leuit. 21. 10. And hee also might marrie a widow, but such a one only, as had bin the widow of a Priest, and not any other, Ezech. 44. 22. Now this was commanded them vpon speciall consideration. For the High Priest was a type of Christ, and Christ was in time to come to call his Church, the elect, among the Gentiles, and to marrie them as a virgin espoused vnto himselfe. Yea he was al-

so to marrie his Church as a widow, but the widow of a Priest only, because he was to gather to himselfe the remnant of the Church of the Iewes; howbeit not all of them, but such only as came of the holy Fathers, and were Israelites, not according to the flesh, but according to the promise.

IV. That it is not meete for a man to be contracted to the sister of her that is alreadie affianced vnto him.

And so much of the first point, required to the making of a contract, namely, the choice of a person fit for marriage.

CHAP. 6.

Of consent in the Contract.

He second thing required to the making of a contract, is the free and full consent of the parties, which is indeed the very soule and life of the contract. And this consent standeth in the approbation, or (as wee common-

commonly call it) the *Sure-making* of the parties contracted.

Consent in this case is twofold; either of the man and the woman, or of their parents.

Touching the first; That the man and the woman may yeeld free consent each to other, it is necessarie that, in respect of vnderstanding, their iudgen^t should be sound; and in regard of will, their choice should be free. And here sundrie cases are to be resolved.

I. Case. When the contract flowes not from the wil and good liking of the parties, but is forced and compelled, what is then to be done?

Ans. If the espoulsals haue bin made through force, or feare; I meane, such as may befall a constant, and resolute man, and which hath bin wrought, vpon good knowledge, and cōsideration; then are they of no moment, & in truth meere nullities; because there is wanting to them the free and voluntarie accord, and assent of both parties. Neuerthelesse, if afterward they shall grow to a new consent, or both yeeld to an af-

ter-acceptation of that which was formerly made, the espousals shall then stand in force; without further exception, or contradiction.

II. Case. But how if consent be past, and in proceſſe of time it appears to the espoused persons, that they have erred, either in choice, or consent, or both?

Anſw. There is a three-fold error in consent; the one of the person, the other of the abilitie, or estate of the person; the third of the qualitie.

Error in respect of the person, is, when one person is taken for another; or when the contract is made betweene two, whereof the one was taken to be such a partie, as afterwards he proued not to be. Now where this error is committed, it is a plaine case, there was no consent; and therefore the contract, vpon certaine knowledge therof, is quite frustrate. For the knowledge of the partie is the ground of consent, and belongs consequently to the very substance of mariage.

Neuertheſſe, if, the error being once

once knowne, the parties haue had secret societie one with another; & haue either againe consented, or growen to an after-acceptation of the consent before made, the contract may and doth stand in full force. For example: *Iacob*, by the deceit of *Laban*, had taken *Leah* for *Rachel*, to his wife; so saith the text, *When the euening was come, Laban tooke Leah his daughter, and brought her to him, and he went in vnto her, Gen. 29.23. But when the morning was come, behold it was Leah, 25.* Now by the iudgement of the best Diuines, *Iacob* might iustly haue renounced *Leah*, if he would, because *Laban* had giuen her vnto him for *Rachel*, and so deceiued him; yet hee would not vse extremitie, but kept her as his wife.

If it be said, there was an error in the person, therefore no consent, and so *Leah* was not his lawfull wife, but *Rachel*. I answere, that *Iacob* did renue his cōsent afterward, & that renued cōsent following vpon their knowing one of another, made her his wife, though in extremity & rigor she was not. Again,

Rachel was indeed the partie to whom he was espoused, by the former cōtract; and therefore, vpon their mutuall agreement afterward, she also became his wife. So saith the holy Ghost, vers. 27. *Fulfill seuen yeares for her, and we will also giue thee Rachel for thy seruice, &c. v. 28. Then Iacob did so, and Laban gaue him Rachel his daughter to be his wife.*

Error of the ability or estate is, when one of the parties to whom cōsent was giuen by the other, being taken for rich and wealthie, in the issue proues to haue been very poore, and not sufficient to maintaine that state of life.

Touching this error, it is to be considered, whether the cōtract was made absolute, for the time present, & so for euer afterward, or conditional for time to come only. If it were absolute, that is, conceiued in termes of the present time, then though the deceit bee verie offensive to the partie deluded, and vpon his complaint ought in equitie to be punished by the Magistrate; yet it is not of force to breake off the contract; because the abilitie of either or both parties

parties belongs not to the essence of marriage. But if it were for time to come and conditionate, then he or she that made promise vpon this condition, is free and not bound in conscience to fulfill the promise; vnlesse the condition expressed aforehand be kept, and performed.

Error of the qualitie of the person, is, when she which was in the espousals taken to bee a virgin, is afterward found to be with child by another, before they come together. By this error the Couenant is made void, and becomes a meere nullitie; so as the man cannot be compelled, vpon true and certaine knowledge thereof, to marrie the woman; but may renounce her, vnlesse both parties come to a new agreement, or haue priuately knowne each other vpon mutuall consent. For first, God did in expresse tearmes command the Iewes, that such a woman should be stoned to death: Deut. 22. 20. *If the maid (that was giuen to wife) be not found a virgin, vers. 21. then shall they bring the maid to the doore of her fathers house, and the*

the men of her citie shal stone her with stones to death, because she hath wrought folly in Israel, by playing the whore in her fathers house. Therefore it was not the will of God, that she should be retained as a wife, but vtterly reiected and forsaken. Againe, this was so vsual a practise in Israel vpon Gods commandement, that godly and righteous men, vpon the discouerie of this error, would not in conscience be perswaded, to marry the to whom they had been betrothed, Matth. i. 18. *Ioseph her husband (hauing found, before Marie and he came together, that she was with child) being a iust man, and not willing to make her a publike example, was minded to put her away secretly.*

III. Case. What shall we thinke of the espousals of such, as are furious, and franticke?

Answ. We must distinguish of these diseases. For Madnes is, either perpetuall, or by fits only with intermission.

If it be perpetuall, the case is cleere, that whether one of the parties only, or both be franticke, the contract made betweene

betweene them, is altogether vnprofitable & vaine. For such know not what they do whē they make a promise, and the consent which passeth betwixt the cannot be free, full and perfect, but must needs be hindred and preiudiced by the heate and violence of their disease.

Now although perpetuall madnesse be a iust impediment of mariage, and a sufficient cause to dissolue a contract, yet it is meet that there be a conuenient space of time agreed vpon, wherein all meanes may be vsed for the curing of this disease, to the end that Gods wil touching their amendment may be the more euidently knowne; and both the parties themselues, and their friends may giue testimonie to the world, that they haue had a carefull respect of the contract before made.

Againe, if it be not continuall, but by * fits, so as they haue some good daies, and quiet intermissiō, the case is otherwise. For the contract shall be ratified, and stand in force: provided, that it was manifestly knowne, that the said parties were

* Dilucida
interval-
la.

were both in their right wits, before they plight their troth each to other; and themselues be willing afterwards to confirme their promise forme ly made, by renuing their consent.

Consent of the Parents, is that act whereby they giue their word and promise, to bestow their children in marriage, and in regard of right, doe indeed presently bestow them.

Therefore priuate contracts, that are made without free and lawfull consent of parents, are not only vnprofitable and vnlawfull, but euen by the law of God meere nullities. Reasons. I. They are contrarie to the expresse will and commandement of God: *Exod. 20. Honor thy father and thy mother.* II. They are flat repugnant to naturall equitie; which teacheth, that he who hath not power, nor right ouer himselfe, cannot bind himselfe by promise to another. Now children haue not power ouer themselues, but are vnder the gouernment, & at the disposition of their Parents; therefore the couenants which they make, are not made and appointed

Gal 4. 1.

ted of God, and those which God maketh not, are in deed and truth none at all.

CHAP. 7.

Of Reiection, or Refusall of the Contract.

Contrary to a complete and lawfull cōtract, is Reiection, whereby the Contract is dissolued, or broken off.

*Repudi-
um.*

A lawfull Contract is then dissolued, when some great and hainous fault followeth immediately vpon it, in either of the parties espoused. And from hēce arise diuers and fundrie cases to be set downe and resolued.

The first is this. What is to be done, when some disease befalls one of the parties immediately after the contract made?

Ans. Those diseases which take away the vse of the bodie, and altogether disable the partie from the performance of the promise made, in respect of marriage

riage duties, are very iust impediments of mariage, and consequently do break off the Contract. Of which sort are vn-curable palsies, frigiditie, and such like, whereof I haue spoken before.

Neuerthelesse a couenāt once made, is not suddenly to bee renounced, for feare of breeding offence. And therefore some longer respite is to be taken from the time of the contract, in which they are to rest in expectation of amēdment, before the said diseases be publicly and solemnly declared to be incurable, and consequently that the couenant made is become void.

Now, if the disease do not for the present take away the vse of the body, and yet in time proues incurable contagious, and so lothsome, that the one may iustly feare to keepe and conuerse with the other; as it falleth out when one is tainted with leprosie; then the contract is vterly to be dissolued, as if God himself should haue commanded it, though the promise was formerlie made, & the parties themselves should be vnwilling. God hath ordained Matrimonie

trimonie to helpe, not to hurt either the persons themselues, or others. Where therefore these diseases be, which may infect, hurt, or destroy others, there God hath, as it were, testified from heauen, that the act done is not pleasing vnto him, and that presently it ought to be frustrate.

The contract being thus once dissolved, the sounder partie shall be at his, or her libertie to marrie againe. But the diseased is by the Magistrates authoritie, to be forbidden societie with any other in way of mariage, and commanded to lead his life, where he may conveniently from companie, for feare of infection. And withal he is for his owne part, to sue vnto God by prayer in faith for the gift of continencie. For certaine it is, that he to whom God hath denied the power of vsing mariage with good conscience, is thereby euen called to continencie and single life.

But if the disease be not contagious, yet either incurable, or so nastie, that either of the espoused hath iust cause to be afraid of the others companie; then
both

both are to be aduised, not to claime their right, but willingly to surrender it each to other by mutuall consent, that they may be free againe, & not bound by any former promise to liue together as man and wife. Considering that they haue no hope mutually to conuerse together, with comfort & contentment, while they so remaine.

Vpon this aduice giuen by their lawfull Pastor, or some in his stead; if they both yeeld, or one of them at the least desires to be at his owne libertie, the espousals are forthwith to be brokē off. But if neither will consent to a separation, but rather proceed as they haue begun, and in probability the one haue no iust cause to hold the other in suspicion, in respect of contagion; they are not to be hindered from the consummation of their mariage.

Furthermore, though one of them should haue a disease, which is continuall without intermission, & yet curable, or any other incōuenience should befall either of them, after the sure-making, wherby they become lame, deafe,
or

or dumbe, &c. yet this is not a sufficient cause to moue them to renounce, and dissolue the contract.

A second Case. What if it falleth out, that after the finishing of the contract, one of the espoused persons bee long absent from the other, so as the absence bee preiudiciall to the mariage, that should ensue vpon the contract?

Ans. Inquirie must be made, whether this absence be voluntarie, or against the will of the partie.

If it be voluntarie. For example; if the man vpon an honest and iust cause, the woman also being priuie thereunto, shall go beyond seas, and being admonished of his dutie before hand, shal notwithstanding stay a whole yeare or more, and will not returne, but further wilfully absent himselte; then may it be lawfull to the woman, to craue of the publike Magistrate a dissolution of the couenant made, & consequently marry another man, vnlesse the former, to whom she was contracted, be heard of. If he be, then shall it be lawfull for him to pleade for himselte, and tendring no

iust cause of his refusall, he shall be forced by the Magistrates authoritie to stand to his promise, and take the woman for his wife. And the same order is to be taken in the wilfull absence of the woman, after she is contracted.

If againe, the man or woman shall vpon an euill mind, and with purpose to deceiue each other, absent themselves, and depart; meanes must be vsed, that they may be admonished of their dutie. That being done, or at least undertaken, and yet the partie offending will not appeare, if the other that is present, vpon certaine knowledge of his, or her want in respect of continencie, shall sue to the Magistrate; after publike and solemne notice giuen, the contract may be broken.

But if on the other side, either of them be absent against their wil, and intendeth no fraud or deceit, but is violently detained, by captiuitie, imprisonment, sicknes, force, banishment, transportation or such like; then the partie present being desirous of the consummation of the mariage, ought either to make

make meanes vnto him, and expect his returne, or haue certaine notice of his death, before she promise, or haue to do with any other in way of mariage.

A third Case. What if after the contract, one of the parties becomes furious, or madde ?

Ans^w. If the disease be continuall, without intermission, in all equitie and likelihood, the espousals are to be dissolved, vnlesse both parties after knowledge and experience of the disease, haue knowne one another : yet in this, and all such like cases, it is fit that all good meanes be tried and vsed, and sufficient time be giuen for the restoring of the diseased, to their former good estate, and for the accomplishment of the mariage lawfully begun, as before.

CHAP. 8.

Of Mariage.

Mariage is that, wherby the conjunction formerly begunne in the contract, is solemnely manifested, and brought to perfection.

Mariage is consummate by three sorts of actions; one of the parents of the Bride and Bridegroom, the other of the Minister in publike, the third of the persons coupled together.

The action of the Parents is vpon the Mariage-day, to bring the Bride, and deliuer her to the Bride-groom, that they two may become actually man and wife, and performe each to other all matrimoniall duties.

And where the mariage is complete, in any other manner, so as the Parents vpon sound iudgement and deliberation, shall deny their full and free consent, either in expresse words, or by cōniurence and silence, and that vpon iust and lawfull cause; there, though in the ciuill courts of men, it may stand, and the children borne therein bee legitimate before men, yet the truth is, before God it is of no force, but a meere nullitie.

And because this doctrine, touching consent of parents in these Cases, is of great vse, and auaieth much to the supporting and maineining of families; I will

will first open the truth thereof, and then proue it by reasons.

Vnder the name of parents are comprehended; First, the Father and Mother. Secondly, all Tutors and Guardians, who haue the proper & sole charge of wards, or others vnder yeares of discretion. Thirdly, all such as ~~are~~ kindred of blood, who are in stead of parents to childre, as the vncl by the fathers side, the vncl by the mothers side, and such like.

Now touching the consent of parents, that is, of father and mother, I hold it requisite of necessitie to marriage: For the authoritie of parents must not be resisted, or violated. As for Tutors, and such as haue the place of parents, their consent is not required of necessitie, but * of honestie at least, because the power and authoritie of the parent, though it be not taken away, yet it is lessened, when it is either transferred to another person, or in part resteth in the child already bestowed.

* De honestate.

Secondly, by parents consent, I vnderstand that which they giue, not rashly,

rashly, vnaduisedlie, or foolishlie, but out of good & wise consideration, and vpon true and sound iudgement, of the businesse in hand: For otherwise, as much as in them lieth, they make the mariage void and of none effect. And they are then thought to carrie a right iudgement of the thing, when they be able to yeeld a iust cause of yeelding, or denying their consent. For example; if a father denies to bestow his daughter *Iulia* vpon *Sempronius*, because hee knowes him to be an Arrian, a Pelagian, or of any other sort of Heretikes; he withholdeth his consent vpon a good ground, & he doth that which he doth, of iudgement.

Yet further I adde, that where the parents do dissent, and can yeeld no probable cause thereof; the mariage consummate without their consent, ought to be confirmed and ratified by the authoritie of the Magistrate, who is *Pater patria*. And this seemes to be the most equall course, both for the auoiding of greater scandals, & for the preuenting of wrong, that may otherwise be

be done in some particular case, as to a woman that is defloured and reiected.

Thirdly, consent of parents is either expressed, or implied; Expressed, when it is giuen by words; Implied, when it is yeelded by silence. For it standeth with most equitie and indifferencie, to thinke that thole parents do giue consent, who do not by word expresly denie the same.

Fourthly, children are either subiect to the authoritie of their parents in the familie; or at their owne libertie, & out of their parents subiection. Those that are at liberty, are tied necessarily to subiection in respect of mariage; but the other being still of the familie, and vnder iurisdiction, are bound to be ordered, by their parents in the bestowing of themselves.

This is briefly the meaning of the question in hand. Now, for prooffe of this point, I will propound three sorts of arguments, wherof some are drawne from the law of God, some from the light of nature, and some from the iudgement of the ancient Church.

For the first sort. According to the law of God, mariage is not only a ciuill and politike, but also a diuine and spirituall coniunction, the author and ordainer whereof, vpon speciall cause, was God himselfe: This our Sauour Christ witnesseth, when he saith, *I hose whom God hath ioyned together, let no man separate,* Matth. 19. 6. That therefore mariages may be soundly ratified and confirmed, the authoritie and power of God himselfe is necessarily to be interposed.

If it be asked, How God that is in heauen, should bring and ioine together man and wife vpon the earth?

I answere, that he doth it not immediately by himselfe, as he brought *Euah* vnto *Adam*, but in & by some solemne and lawful meanes. And this meane, is that great and ancient power and prerogative of parēts. And the law of God hath giuen them this power, not in ciuill contracts and compositions alone, but euen in the beginning and accomplishing of mariages. Deut. 7. 3. *Thou shalt not giue thy daughter vnto his sonne,*

nor

nor take his daughter vnto thy son. Ierem. 29.6. Take wiues for your sonnes, and giue your daughters vnto husbands, that they may beare sonnes and daughters. 1. Cor. 7. 36. But if any man thinke that it is vncom- lie for his virgin, if shee passe the flower of her age, and need so require, let him doe what he will, he sinneth not, let them be ma- ried.

Hence it was, that *Abraham* by right of this authoritie, gaue order what wife his seruant should prouide for his son; Thou shalt not take a wife to my sonne of the daughters of the *Canaanites*; But thou shalt go vnto my countrie, and to my kindred, and take a wife vnto my sonne *Isaac*, Gen. 24. 3.4. *Sampson*, though he was inflamed with the loue of the womā in *Timnath*, whom he saw to be beautifull in his eyes, yet hee durst not take her to his wife, till she was giuen him of his pa- rents, Iudg. 14. It was an expresse law of God, that if a man intised a maide that was not betrothed, and lay with her, hee should endow her, and take her to his wife: But how? marke in what manner the holy Ghost proceedeth, If her father re- fuse

fuse to giue her to him, he shall pay money according to the dowrie of virgins, Exod. 22. 16. 17. Deut. 22. 28. 29. In which text, Moses plainly teacheth, that the consent of the two parties is not sufficient, no not though they haue had societie together, vnlesse they haue the free consent of their parents also. In like maner it was ordained by God, Numb. 30. 4. 5. 6. That if a woman vowed a vow vnto the Lord, being in her fathers house, & her father hearing it, holdeth his peace concerning her, that is, approueth her vow by winking at it, her vow shall stand. But if her father disallow her, that is, giueth no approbation or consent vnto the vow made, it shall be of no value, and the Lord wil forgine her, because her father consented not. Now, if the vow of children made vnto God, and pertaining to his worship, cannot be ratified without the parents approbation; of how much lesse force shall any priuate contract or marriage be, without their allowance?

The second argument is taken from the light of nature, and it is gathered by proportion on this manner: A son priuily

uillie alienateth and selleth away his fathers lands, either in whole or in part. The question is, whether this alienation be good in law, yea or no? Answer is, No. And why? Because the land did not belong to the son, but was part of his fathers substance. In like manner, a son alienates himselfe, and is betrothed to a woman, to marrie her without his parents knowledge: Is this act of the son warrantable and sound? By no meanes; for the son in respect of his body, is part of the fathers goods, and may not be alienated from him without consent. A notable reason hereof we find in Iob 1. For when God had giuen Satan power to destroy and spoile all *Iobs* goods, and whatsoeuer he had, the diuell doth not only touch the wealth of *Iob*, but his children also, as a part of his substance. In this respect the Iewes were permitted by God to sell their children. Exodus 21.7.

Againe, for the accomplishment of mariage, there must needs be a mutuall donation, betweene the spouse and the espoused. And what is that which is mutually

mutually giuen? Surely their persons, or rather their bodies each to other, for so *Paul* saith, 1. Cor. 7. 2. *Let every man haue his wife, and let every woman haue her owne husband.* But by whom is this donation to be made? by sons and daughters that are in the familie, vnder the iurisdiction of their parents? It may not be; For nature her selfe taketh it for granted, that he which is not at his own libertie, cannot yeeld to the giuing of himselfe. The donation therefore remains in the right of the parent, in as much as the wil & consent of the child, ought to depend vpon his wil and consent, to whom God hath giuen power and authoritie in this behalfe.

In the third place, let the iudgement of the ancient Church be obserued. *Ambrose*, in his first booke of the Patriarch *Abraham*, chap. 9. requires this consent in mariages, which he saith is so equall and agreeable to nature, that euē the Poets acknowledged the same. For which purpose he reciteth two verses out of the *Grecian Poet Euripides*, in his Tragedie called *Andromacha*, wher-
in

in when *Orestes* desired to marrie *Hermion*, she frames him this answere, That the matter of her mariage wholly depended vpon the pleasure and authoritie of her father, & was not in her owne power or libertie. *Innocentius*, who was both a Pope and Martyr, in his decretall epistles, so strictly requireth consent of parents, *as where it is wanting, he concludes the mariage to be void.* In the Coucell of Lateran, it was decreed that Clandestine contracts & *secret mariages*, made and undertaken betweene partie and partie, should be holden as unlawfull as mariages in those degrees of consanguinitie and affinitie, which are forbidden by God. *Tertullian* saith, That in this world the sonne cannot * rightly and lawfully marrie without the allowance of his father. *Basil* in an Epistle to *Amphilochius* Bishop of Iconium, affirmeth; That mariages which are made without them which haue power ouer the parties, are fornications, and therefore that they which are ioyned together in mariage, while their parents or masters liue, are in no sort free from imputation of sin, untill they haue approbation from them, for then

mariage

Sub Innocent. 3. canon. 51.

Tertul.
lib. ad uxorem, 3. ad finem.
* Rite & Iure.
Basil. epist.
1. ad *Amphiloch.*
Canon, 42.

mariage is ratified & confirmed, when they haue yeelded allowance thereunto.

The second Action touching the consummation of mariage, is the action of the Minister. And that is the blessing or sanctification thereof, which is a solemne worke, wherby the Minister pronouncing the parties contracted to be man and wife before the whole congregation, commendeth them and their estate vnto God by solemne prayer.

This solemne sanctification is grounded vpon the practise of God himselſe, who hauing giuen *Euah* to *Adam*, blessed them, saying, *Increase and multiplie*, Gen. 2. 22. and 1. 27. For that which God then gaue, the Minister standing in his roome, now prayeth may be giuen to the man and wife. Yea it is agreeable to the generall rule of the Apostle, *Let all things bee done decently and in order*, 1. Cor. 14. 40.

Now that this action is to be approved and vsed in the Church, appears by these reasons. I. Mariage as it is a publike action, so it is after a sort a spirituall and diuine ordinance, whereby it differeth

differeth from the contract: For the contract being meerely ciuill, as it standeth by consent of men, so by the same consent, it may bee broken and dissolved, but with marriage it is otherwise.

II. Marriage is the Seminarie of the Church and Common-wealth. III. It was the practise of y^e Primitiue Church.

Tertullian speaking of the marriage of Christians with Christians, acknowledgeth himselfe not to bee able sufficiently to declare the happines of that conjunction which is made by the Church, consecrated by prayers & *solemne seruice, witnessed by the Angels, and ratified by God himselfe. *Nicephorus* reporteth of one *Synesius*, who auouched that God & the lawes, and the holy hand of *Thesphylus* had giuen him a wife. *Ambrose* saith, That marriage ought to be sanctified, with the vaile wherewith the Priest was wont to couer the Bride and the Bride-groome in the publike congregation, and with his blessing.

Lib. 2. ad uxorem.

* Oblationem sic exponit *Beatus Rhenanus. Niceph. lib. 14. cap. 55. Ambros. epistolar. lib. 9. epist. 70. ad Vigilium.*

The third and last action belonging to the accomplishment of this estate, is, that of the parties themselues, whereby the Bride is in decent and modest manner,

ner, brought vnto the house and home of the Bride-groome. It is the law of this estate published by God himselfe in Paradise, that the man, euen in respect of habitation, *should leaue father and mother and cleaue to his wife*, Gen. 2. 24,

Heere question is moued, whether mariage is to be solemnized with mirth and feasting. *Answ. I.* It is lawfull and warrantable to vse feasting and mirth at mariages, because these be things indifferent, and wee haue examples thereof in the Scriptures. *Laban* made a feast at the wedding of *Iacob* and *Rachel*, and inuited all the men of the place to it, Gen. 29. 32. Christ himselfe did approue the resort of people to the mariage at Cana in Galilee, both by his presence, and by that honorable gift of sixe water-pots of the best wine, Ioh. 2. 2. 7. 8. *II.* It is not only lawfull, but conuenient and fit to be done, if there be abilitie; according to the commendable custome of the place & countrie wherein men do dwell; so as in the vse thereof, these cautions bee obserued. First, that in mirth and merry-making, there be

be care had that nothing be done which is dishonest, prophane, or of ill report. Philip. 4. 8. *Whatsoever things are honest-pure of good report, thinke on these things.* Secondly, That ioy in them be mixed and moderated with the feare of God, without which *Laughter* and reioycing is meere madnesse, Eccles. 2. 2. Thirdly, That it bee performed in a moderate and sober vse of the creatures, without riot & excesse. Thus we read that at the great feast of *Abashuerosh*, it was appointed by the King himself, *that they should drink orderly*, & none might compel another to drinke more then he thought conuenient, Ester 1. 8. And where weddings are kept contrary to these directions, they are not feasts celebrated vnto God, but vnto y diuell; which also may be said of all other festiuall meetings.

And so much touching the point of mariage, in which this is to be remembered for a cōclusion, That where there is generally a nullitie in the contract, or a separation following vpon it, there is also a nullity in regard of the consummation of mariage.

CHAP. 9.

Of the duties of married persons.

Hus farre haue we proceeded in the doctrine of marriage; and now we come to the duties which they who bee married are to performe each to other.

These are principally two: Cohabitation, and Communion.

Cohabitation is their quiet and comfortable dwelling together in one place, for the better performance of mutuall duties. 1. Cor. 7. 10. *And to the married command I, not I but the Lord, let not the wife separate her selfe from her husband: vers. 12. But to the remnant I say, not the Lord, If any brother haue an vnbeleeuing wife, and she be content to dwell with him, let him not forsake her: vers. 13. And the wife which hath an vnbeleeuing husband, which is content to dwell with her, let her not forsake him. 1. Pet. 3. 7. Likewise let the men dwell together, as becōmeth them that haue*

haue knowledge; giuing honor to the woman as to the weaker vessell, euen as they which are heires together of the grace of life, that your prayers be not interrupted.

This dutie must bee kept especiallie the first yeare of mariage, Deut. 24. 5. *When a man taketh a wife, hee shall not go on warfare, neither shall be charged with any busines, but shall bee free at home one yeare, & reioyce with his wife which he hath taken.* And the ground of this commandement, no doubt, is, that they might learne to know one anothers cōditions, and that they might worke a settled affection one towards another, which afterward vpon no occasion might bee changed.

Yet they may bee absent each from other in two cases: First, vpon mutuall consent for a time, for the performing of some busines, that is requisite for the familie, Prou. 7. 19. *For mine husband is not at home, he is gone a far iourney: at the appointed time he will returne againe.* Secondly, the like absence is allowed, when some great and weightie affaires either in the Church or Common-

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wealth are in hand, 2. Sam. II. 9. 10. *But Vriah slept at the doore of the Kings Palace, with all the seruants of his Lord, and went not downe to his house? V. 11. Then Vriah answered Dauid; The Arke, and Israel, and Iudah dwell in tents, and my Lord Iobab, and all the seruants of my Lord abide in the open field; shall I then go into my house to eate, and drinke, and lie with my wife? by thy life, and by the life of my soule, I will not do this thing.*

Hence ariseth a question: What if after mariage consummate, there grow vpon one of the parties a contagious disease that cannot be cured, but is so lothsome, that the other whole partie cannot endure cohabitation at all?

Ans. Both the mariage it selfe, and the dutie of dwelling together, ought to continue firme and sure notwithstanding: yet so as the sound partie neither may, nor ought in good conscience, to desire coniunction with the other, whereby he, or she may bring infection vpon themselues, and consequently hurt their children, and indanger the Common-wealth.

But

But if either of the parties haue not the gift of continencie, nor cannot abstaine; they must sue for it vnto God in earnest prayer, who will giue it vnto them.

For there God hath called a man or woman to continencie, where they be necessarily hindred from the vse of the ordinarie and lawfull remedie of the contract.

The contrarie to Cohabitation is Desertion.

Desertion is, when one of the married folkes, vpon a wilfull, and obstinate mind of their owne head, departeth from the other, without a iust, and necessarie cause.

Touching this point, there bee sundrie Cases expounded.

I. Case. Suppose that an husband which is an vnbeleeuer, or an heretike in the foundation, of his owne accord, vpon detestation of true religion, quite forsakes the beleeuing wife, and denies any more to dwell with her; what is to be done?

Answ. All good meanes must bee

first vsed to bring the infected partie to repentance; and when none will succeed, but the case remaineth desperate, then marriage is dissolued on his part, and the beleeuing wife is free to marrie another. So saith the Apostle, 1. Cor. 7. 15. *If the unbeleuing partie depart, let him depart; a brother or a sister is not in subiection in such things; but God hath called vs vnto peace.* In which words obserue a twofold reason: I. He that is at libertie may marrie another; now the beleeuing partie forsaken, is at libertie; because hee is not in subiection in such things: therefore he may marrie another. II. God hath called vs vnto peace, saith *Paul*, and this peace cannot be kept, if the beleeuing partie forsaken cannot containe, vnlesse he marrie.

Ambros.
in 1. Cor.
7. 15.

Ambrose vpon the place saith, *That marriage cannot stand firme, which is separated from the worship and seruice of God; and therefore it is no sinne in the partie that is forsaken for Gods cause, to be married to another; and the vnbeleuer departing, sinneth both against God, and against the law of wedlock, because he denies to remain in that*

estate,

estate, in regard of religion. Therefore hee
 breakes the couenant of mariage, and the o-
 ther is not bound in this case to keepe touch
 with him. Lombard, the master of the
 sentences, saith, That the beleeuing partie
 in this case, is not bound to follow the vn-
 beleeuer when hee departeth, but while hee
 liues may marrie another. Augustine af-
 firmeth, that euen the wife which is ioyned
 to her husband in lawfull societie, if shee will
 not abide with her Christian husband, be-
 cause he is a Christian, may be forsaken and
 left, without sin. And it is far better that
 the couenant should be dissolued, that
 man and wife haue made each with o-
 ther, then that the Couenant which
 man hath made with God. The people
 of Israel being in affliction, were con-
 strained to break the former made with
 strange women, that they might keepe
 the latter, Ezra 10. 11. 19.

Libr. 4.
 dist. 39.

Lib. de Fi-
 de & ope-
 rib. cap. 16.

It is alledged, that the vnbeleeuing
 partie may haply repent, and then to
 make a dissolution is in vaine. But I say,
 that it is as likely that he will neuer re-
 pent, and therefore there is cause that
 the knot should be dissolued.

H 4

Againe,

Againe, it is lawfull (say some) to make a diuorce out of the case of Adulterie. *Ans^w.* The believing partie which is forsaken, is not the cause of the diuorce, but is a patient of the separation, wrongfully made by the vnbelieuer. And Christ where he mentioneth the Case of Adulterie, Matth. 19. speaketh of an equall mariage, whereas *Paul* speakes of an vnequall.

II. Case. What if there fall out a desertion betweene two married folkes, which are both beleeuers?

Ans^w. The faultie person, who is the cause of this desertion, is to be forced by course of Ciuill, and Ecclesiasticall censure, to performe his, or her dutie. Vpon which proceeding, if he remaine obstinate and peruerse in will; the other must in patience, & earnest prayer vnto God, waite the time, vntill his mind may be changed, and he made to relent by the order of the Magistrate. But if the one of them, by iust occasion of feare, be compelled to depart from the other; and cannot returne againe without apparent danger of life; in this case

case they are not bound to returne ; but the delinquent partie is to remaine solitarie, till they be instructed and made willing to doe their duties : and in the meane while, the partie innocent must be resolu'd that God hath called him or her to single life.

Againe, be it that the one is resolutely vnwilling to dwell with the other, and thereupon flies away without any fault of the other ; if the thing after a long space bee sufficiently knowne before-hand, and all possible meanes haue been vs'd, to reclaime the guiltie person ; yea being called, he doth not personally appeare before the Iudge, to yeeld a reason of the fact ; after publike and solemne declaration made, the Minister vpon such desertion, may pronounce the mariage to be dissolued. For he that vpon malice flieth away from his mate, is to bee holden in the same termes with an vnbelieuer, who departs vpon detestation of religion, and the seruice of God, 1. Tim. 5. 8.

Howbeit, if the place whither he is fled, be vnknowne, and vpon his flight there

there be found some fault in the Plain-
tiffe, she is not to be heard, or set at li-
bertie by the Iudge in this case, though
shee pretend want of the gift of conti-
nencie.

But suppose he that fled come againe
vnlooked for, and requires his spouse;
then in case the former course hath not
bin taken, nor iudgement giuen against
him, they may be reconciled and come
together againe. If it hath, and matters
be concluded, hee is not vpon his re-
turne to bee heard, but rather seuerely
punished.

Like vnto *Desertion*, is malicious and
spitefull dealing of married folkes one
with the other.

Malicious dealing is, when dwelling
together, they require each of other in-
tolerable conditions: and when the one
doth not regard nor relieue the other,
being in danger or extremity, as is meet.
For this is as much as to betray one an-
others estate and life to their vtter ene-
mies.

Heere it may be demanded, what a
belieuer should do, who is in certaine
and

and imminent danger, either of losse of life, or breach of conscience, if they both abide together?

Ans. I. This certaine danger hath his originall, either from one that is a stranger, or from one of the parties: If from a stranger, then the husband either takes vpon him the defence of his believing wife, or not; if he doth, then she ought to abide with him. If not, she may depart and prouide for her owne safetie. II. Againe, if the husband threatneth hurt, the believing wife may flie in this case; and it is all one, as if the vnbelieuing man should depart. For to depart from one, and driue one away by threats, are æquipollent.

Neither may this seeme strange vnto any, that the believer in such case is allowed to depart. For a husband that is a Christian is married two waies: First with Christ, and secondly with his wife. The former mariage is made in Baptisme, and is a more holy coniunction, then is the latter. Therefore when these two cannot stand together, but one of them must needs be dissolued; the latter must

must rather be left then the former. Again, if the believer should remaine with the vnbelieuer, she should haplie be vrged sometimes, in case of danger vpon infirmitie, to deny Christ, & make ship wracke of faith and good conscience; which may in no sort be done of either partie: and therefore separation is to be made rather in this society, then that the cōiunction with Christ should not stand firme, and continue.

It is alledged, that if this be so, then the believing wife forsakes the vnbelieuing husband, which she may not do.

Ans. She forsakes him not finally, but leaues him for a time. Again, the desertion is not made by the person, which giueth place for the time, but by him in whom is the cause of the desertion; euen as he is not to be termed a Schismatike, which separateth himself, but hee in whom is the cause of the Schisme.

Again, it is obiected, that he which flieth leaues his calling; and euery man must abide in his calling, according to the rule of the Apostle, 1. Cor. 7. 20.

Ans.

Ans. There is a double calling; The generall, standing in the worship of God; The particular, as the calling of mariage, or of single life. When these two callings cannot stand together, the latter must giue place to the former, Luk. 14. 26. *If any man come to me, & hate not his father, and mother, and wife, and children, and brethren, and sisters; yea and his owne life also, he cannot be my disciple.*

III. Case. When the husband is perpetually absent from the wife, what is to be done?

Ans. If he be absent either because he is in captiuitie, or vpon malice, or feare, or any such like cause; the wife must rest in expectation of his returne, till she hath notice of his death, either by sufficient testimonie, or by apparant likelihoods. Now in the want of testimonies, and coniectures in this behalfe, if the partie forsaken cannot certainly determine, that the absence was made vpon an euill mind; some haue thought that it behoueth her to expect his coming again for the space of foure years; others of fiue; some of seuen, some of ten

ten yeares; after which time, she is free, and may marrie another man. And if the partie do haplie returne againe after some long space of time, who was probable thought to haue been dead, the latter marriage vndertaken vpon necessarie ignorance of such an euent, may be dissolued; and it shall not be imputed to either partie, considering it fell out not by their fault, but only by accident.

Now if the question bee of wilfull and affected absence, the same is to be determined concerning that, which hath bin said before touching the point of Desertion.

CHAP. IO.

*Of the Communion of married folkes,
and of due beneuolence.*

THe cōmunion of man & wife, is that dutie, whereby they do mutually and willingly communicate, both their persons, & goods each to other, for their mutuall helpe, necessitie

necessitie and comfort, Ephes. 5. 28. *So ought me to loue their wiues as their own bodies; he that loueth his wife, loueth himselfe.*

This dutie consisteth principally in the performance of special beneuolēce one to another, & that not of courtesie, but of due debt, 1. Cor. 7. 3. *Let the husband giue vnto the wife due beneuolence, and likewise also the wife vnto the husband.*

Due beneuolence must be shewed with a singular and entire affection one towards another; and that three waies principally.

First, by the right and lawfull vse of their bodies, or of the marriage-bed, which is indeed an essentiall dutie of mariage.

The mariage-bed signifieth that solitarie and secrete societie, that is betweene man and wife alone.

And it is a thing of it owne nature indifferent; neither good nor bad; and so Paul numbereth it amongst indifferent things, 1. Cor. 7. 27. *Art thou bound vnto a wife? seeke not to be loosed: art thou loosed from a wife? seeke not a wife.* Wherefore the Church of Rome erreth two contrarie

*Canon.
Propositi-
onis, Di-
stinct. 82.*

*Sozomen.
lib. 3. cap.
16.
Sess. 8. ca-
non. 9. 10.*

contrarie waies. First, in that it maketh mariage to be a Sacrament, and so euerie action of it, to be of the owne nature good. Secondly, in that they prohibite mariage of certaine parties, and the reason of the prohibition may seeme to be this; that they thinke this secret comming together of man and wife to be filthines. This was the sentence of *Syriscus*, that filthie Pope of Rome; who determined that mariage was the uncleannesse of the flesh, and to that purpose abused the words of the Apostle, Rom. 8.8. affirming, that they which are in the flesh, that is, in the estate of Matrimonie, *cannot please God*. Yea and after that mariage was condemned by them, some began to detest and hate women, as *Ephraim* the Syrian, of whō Ecclesiasticall stories make mention. And the Councell of Trent is of the same iudgement. For whereas it opposeth mariage and chasticie; it plainly determineth that in mariage there is no chasticie.

This comming together of man and wife, although it be indifferent, yet by the

the holy vsage thereof, it is made a holy and vndefiled action, Hebr. 13. 4. *Ma-riage is honorable among all, and the bedde vndefiled.* And it is (as all other creatures and ordinances of God are) sanctified by the word & praier, 1. Tim. 4. 3. — *For- bidding to marry, &c. v. 4. — And nothing ought to be refused: — for it is sanctified by the word of God, & praier.* In which place it is to be obserued, how the Apostle applieth the point of sanctification di- rectly to marriage.

The word of God giueth direction to married folkes two wayes. First, by giuing them warrant, that they may lawfully do this action; because what- soeuer is not done of faith (which faith must be grounded on Gods word) is a sin. Secondly, by prescribing the right and holy manner of doing the same.

The holy maner stands in these par- ticulars.

First, that it be done in moderation. For euen in wedlocke excessse in lusts is no better then plaine adulterie before God. This is the iudgement of the an- cient Church, that Intemperance, that

I

is,

*Ambros.
lib. de Phi-
losoph. ci-
tat. ab Au-
gust. contr.
Iulianam.
lib. 2*

is, immoderate desire euen betweene man and wife, is fornication.

Secondly, that it be vsed in an holy abstinence.

Abstinence from this secret societie, must be vsed in two cases.

First, while the woman is in her flowers, *Leuit. 18.19. Thou shalt not go to a woman to uncover her shame, as long as shee is put apart for her disease.* And it is made one of the properties of a good man, not to lie with a menstruous woman, *Ezek. 18.6.*

Secondly, in the time of a solemne fast, when some grieuous calamitie is imminent. Then they are to giue themselves (by mutuall consent) to fasting and prayer, *1. Cor. 7.5. Defraud not one another, except it be with consent for a time, that you may giue your selues to fasting and prayer: and againe come together, that Satan tempt you not for your incontinnencie.* *2. Sam. 11.11. Then Vriah answered Dauid, The Arke, and Israel, and Iudah dwell in tents: and my Lord Ioab, and the seruants of my Lord abide in the open fields: shall I then go into mine house to eat and drinke,*

drinke, and lie with my wife? By thy life, and by the life of thy soule, I will not do this thing. Zach. 12. 12. The familie of the house of Dauid shall mourne apart, and their wiues apart; the familie of the house of Nathan apart, and their wiues apart, &c.

Next vnto the word, this action may be sanctified by prayer, for a blessing vpon it. Children are the gift of God, and therefore married folkes are not on-ly to vse the meanes, but also to pray for the obtaining of them, Psal. 113. 9. *He maketh the barren woman to dwell with a familie, and to be a ioyfull mother of children.* Psal. 127. 3. *Behold children are the inheritance of the Lord, and the fruit of the wombe his reward.* Examples for this purpose are these, Gen. 25. 21. *Isaac prayed vnto the Lord for his wife, because shee was barren, and the Lord was intreated of him; and Rebekah his wife conceived.* 1. Sam. 1. 26. 27. *And she said, Oh my Lord, as thy soule liueth, my Lord, I am the woman that stood with thee here, praying vnto the Lord.* vers. 27. *I prayed for this child, and the Lord hath giuen me my desire, which I asked of him.*

Now the fruits, which are reaped and inioyed by this holy vsage of the mariage bed, are three. I. The hauing of a blessed seed. Deut. 28. 1. *If thou shalt obey diligently the voice of the Lord thy God, &c. Blessed shall be the fruit of thy bodie, and the fruit of thy ground.* Which also is called *the seed of God*, being begot in an holy maner, Mal. 2. 15. *And did not he make one? yet had he abundance of Spirit: And wherefore one? because he sought a seed of God: therefore keepe your selues in your spirit, and let none trespasse against the wife of his youth.* II. The preferuation of the bodie in cleannesse, that it may be a fit Temple for the holy Ghost to dwell in, 1. Thess. 4. 3. 4. *This is the will of God, euen your sanctification, that euery one of you should know how to possesse his vessell in holines and honor, and not in the lust of concupiscence, euen as the Gentiles that know not God.* III. The holy estate of marriage is a liuely type of Christ and his Church, and this communion of married persons, is also a figure of the coniunction that is betweene him, and the faithfull, Hos. 2. 19. *I will marrie thee*

thee vnto me, for euer; yea I will marrie thee vnto me in righteousness, in iudgement, in mercie and in compassion: I will euen marrie thee vnto me in faithfulness, and thou shalt know the Lord. Ephes. 5. 23. For the husband is the wines head, euen as Christ is the head of the Church, and the same is the Sauour of his bodie.

Heere some questions are to be resolved.

Case I. Whether may mariage be dissolued in the case of barrennesse?

Ans. No. For barrennesse is an hidden infirmitie for the most part, and which God hath many times cured, euen when it seemed to be desperate, as in Sarah. Again, the fruit of the wombe is Gods blessing; and wholly dependeth vpon him. Hee therefore that in want of children, reiecteth his wife, whom he hath receiued at the hands of God, offereth wrong euen to God himselfe.

Case II. What if either of the married folkes commit fornication, or any sinne of the same kind greater then fornication, as Incest, Sodomie, lying

with beasts, or such like.

Ans. Adulterie and fornication are most grievous and open crimes, which do breake the very bond and covenant of mariage, Prou. 2. 17. and therefore when they are certainly knowne by such persons, they are at no hand to be winked at, but the Magistrate is presently to be informed of them. Howbeit, if the innocent partie be willing to receiue the adulterer againe, in regard of his repentance; lest hee should seeme to fauour and maintaine sin, and to bee himselfe a practiser of vncleanesse, he is to repaire to the Congregation, and declare the whole matter to the Minister, that he may vnderstand the parties repentance, and desire of forgiuenesse.

And if the adulteresse hath conceived, and is in trauell, the husband to auoid the imputation of hauing an heire in bastardie, is to make relation to the Church of the repentance of the adulteresse; or to acquaint some certaine persons therewith, not to the end that she should be punished for the fact, but that

that they may take notice of a child
cōceined in adultery, whom afterward
he may lawfully put off, as none of his.

The matter being knowne, the in-
nocent partie may require a diuor-
cement. For adulterie is such a sin, as doth
quite break off not only the vse, but the
bond and couenant of marriage, Matth.
19.9. *I say therefore vnto you, that whoso-
uer shall put away his wife, except it be for
whoredome, and marrie another, commit-
teth adulterie, &c.* And yet the same
bond may be continued, and grow vp
again by the good will and consent of
the partie innocent, and consequently
they may be reconciled, and dwell to-
gether still. 1. Sam. 25. 44. *Now Saul had
giuen Michal his daughter Dauids wife,
to Phalti the sonne of Laish, which was of
Gallim.* 2. Sam. 3. 14. *Then David sent
messengers to Ishbosheth Sauls sonne, say-
ing, Deliuer me my wife Michal, which I
married for an hundred foreskins of the
Philistims.* The same course may be ra-
ken in like cases by the innocent, speci-
ally vpon the repentance of the guiltie
person. But yet euery man must be left

to his owne conscience, and none is to bee compelled to take another, from whom hee may iustly bee separated against his will.

Now in requiring of a diuorce, there is an equall right and power in both parties, so as the woman may require it as well as the man; and he as well as she. The reason is, because they are equally bound each to other, and haue also the same interest in one anothers bodie; provided alwaies, that the man is to maintaine his superioritie, and the woman to obserue that modestie which becometh her towards the man.

After the diuorcement made, it shal be lawful for the harmelesse partie, not hauing the gift of continencie, vpon leaue obtained of the Church, and the Christian Magistrate, to marrie againe.

But what then shall become of the partie offending?

Ans. If vpon the hazard of his Conscience in want of the remedie, any libertie of second mariage, bee to bee granted vnto him by the Church or Ciuill Magistrate; (as indeed here in England

England there is not,) diuers restraints, in this Case, must be obserued.

First, no such libertie is to be granted, so long as the matter remains vncertaine, whether they may be reconciled, specially while the partie innocent liueth in single life. Secondly, it must evidently appeare, that the said offending partie hath earnestly repented him of his sin, before he can either be receiued into the Church, or admitted to a second mariage. Thirdly, this liberty is not to be granted him either presently, or vnadvisedly; but vpon frequent and serious admonition, rather to giue himselte to mourning and lamentation, and still to remaine alone, then to desire againe to enioy the benefit of that state, which he hath already so shamefully abused.

So much of the first way of performance of due beneuolence.

The second way is, by cherishing one another: Ephes. 5. 29. *No man euer hated his owne flesh, but nourisheth and cherisheth it, as Christ also doth the Church.* This cherishing is the performing of any duties,

ties, that tend to the preserving of the liues one of another. Wherefore they are freely to communicate their goods, their counsel, their labors each to other; for the good of themselves and theirs.

The third way is, by an holy kind of reioicing and solacing themselves each with other, in a mutuall declaration of the signes and tokens of loue and kindnesse. Prou. 5. 18. *Reioyce with the wife of thy youth : vers. 19. Let her be as the laming Hind, and pleasant wild goat: let her breasts satisfie thee at all times, and delight in her loue continually.* Cantic. 1. 1. *Let him kisse me with the kisses of his mouth, for thy loue is better then wine.* Gen. 26. 8. *So after he had bin there a long time, Abimelek King of the Philistims, looked out at a window, and loe, hee saw Isaak sporting with Rebekah his wife : Then Abimelek called Isaak and said; Loe, shee is of a suretie thy wife.* Esay 62. 7. *As a yong man marrieth a virgin, so shall thy sonnes marrie thee; and as a Bridegroom is glad of the Bride, so shall thy God reioyce ouer thee.*

This reioicing and delight is more permitted to the man, then to the woman;

man; and to them both, more in their yong yeares, then in their old age.

CHAP. II.

Of the Husband.



Married folkes are either husbād or wife.

The husband is he which hath authoritie ouer the wife; hereupon in Scripture he is called the *guide of her youth*, Prou. 2. 17. and they twaine being but one flesh, he is also the head ouer his wife.

The duties of the husband towards the wife, are these:

I. To loue her as himselfe: Eph. 5. 33. *Let euery one loue his wife euen as himselfe. Gen. 24. 67. Afterward Isaak brought her vnto the tent of Sarah his mother; and hee tooke Rebekah and she was his wife, and he loued her: so Isaak left mourning for his mother.* Note, how the loue of the husband to the wife, mitigates sorrow for the death of the mother.

He

He is to shew this loue in two things: First in protecting her from danger, Gen. 20. 16. *And vnto Sarah he said, behold I haue giuen 1000. shekels of silver vnto thy brother: behold he is the couering of thine eies amongst all that are with thee. Let it be knowne amongst all, & be thou instructed.* 1. Sam. 30. 5. *Dauids two wiues were taken prisoners also, Ahinoam the Izreelite, and Abigail the wife of Nabal the Carmelite: v. 8. Then David asked counsell of the Lord saying; Shall I follow after this companie, ? shall I ouertake them? And hee answered him, Follow, for thou shalt surely ouertake them, and recover all.* Secondly, in regarding her estate as his owne, and providing maintenance for her, both for his life time, and as much as he may, for time to come after his death, Ephes. 5. 28. *So ought men to loue their wiues, as their owne bodies: he that loueth his wife loueth himselfe; ver. 29. For no man yet hated his owne flesh, but nourisheth it, &c. Exod. 21. 10. If he take him another wife, he shall not diminish her food, her rayment, and recompence of her virginitie. Ruth. 3. 9. Vnto whom he said, who*

art

art thou? which said; I am Ruth thine handmaid, spread therefore the wing of thy garment over thine handmaid; for thou art the kinsman.

II. To honor his wife: 1. Pet. 3. 7. *Giving honor to the woman.*

This honor stands in three things: First, in making account of her, as his companion, or yoke-fellow. For this cause, the woman, when she was created, was not take out of the mans head, because she was not made to rule over him; nor out of his feet, because God did not make her subiect to him as a servant; but out of his side, to the end that man should take her as his mate. Secondly, in a wise & patient bearing or covering of her infirmities, as anger, waywardnes and such like, in respect of the weaknes of her sexe, 1. Pet. 3. 7. *Giving honor to the woman, as unto the weaker vessell, seeing yee are heires together of the grace of life, that your prayers bee not hindered.* Thirdly, by suffering himselfe sometimes to be admonished or aduised by her. It was Gods commandement to Abraham concerning Sarah his wife;

wife; *Let it not be grieuous in thy sight for the child, and for thy bond-woman: in all that Sarah shall say vnto thee, heare her voice; For in Isaak shall thy seed be called,* Gen. 21. 12. Thus Elkanah was willing to subscribe vnto his wife Annaes aduice, for her tarrying at home till the child was weaned, 1. Sam. 1. 23. And Elkanah her husband said vnto her, *dowhat seemeth thee best: tarrie untill thou hast weaned him: only the Lord accomplish his word.* Hereupon the Heathen Philosopher said, *That the master of the familie exerciseth (after a sort) a power Tyrannical ouer his seruants, a power Regall ouer his children; because Kings are fathers of their Cōmon-weales: but in respect of his wife, he exerciseth a power Aristocraticall, not after his owne will, but agreeable to the honor and dignitie of the married estate; and consequently, that he ought not in modestie to challenge the priuiledge of prescribing and aduertising his wife in al matters domesticall, but in some to leaue her, to her owne will and iudgement.*

*Arist. E-
thic. lib. 8.*

Heere question is moued, whether the husband may correct the wife?

Answe.

Ans. Though the husband be the wifes head, yet it seemeth he hath no power nor libertie granted him in this regard. For we reade not in the Scriptures, any precept or example to warrant such practise of his authoritie. He may reprove & admonish her in word only, if he seeth her in fault. For, thus we reade, that *Iacob* censured his wife, being impatient, euen in anger, Gen. 30.2. *Am I in Gods stead, which hath withholden from thee, the fruit of the wombe?* And *Iob* reproved his wife, Iob 2. 10. *Thou speakest like a foolish woman. What? Shall we receiue good at the hand of God, and not receiue euill?* But hee may not chastise her either with stripes, or strokes. The reason is plaine; Wines are their husbands mates; and they two be one flesh. And no man will hate, much lesse beat his owne flesh, but nourisheth and cherisheth it, Ephes. 5.29. Againe, it is the commandement of God, that man should not *trespasse against the wife of his youth*, Malac. 2.15. *Chrysostome* saith, *It is the greatest reproch for any man, that can bee, to beate his wife.* *Plutarch* in the
life

In 1. Cor.
11. Ho-
mil. 26.

life of Cato the Cenſor, affirmeth, that he which ſmiteth his wife, doth all one; as if he ſhould lay violent hands upon the ſacred images of the gods, which was counted an high degree of offence among the Heathen.

It is alledged, Huſbands are cōmanded ſo to loue their wiues, as Chriſt doth his Church; now Chriſt chaſtiſeth his Church, with ſtrokes; & therefore ſo may the huſband his wife. *Anſw.* As Chriſt doth entirely loue his Church, ſo hee may alſo chaſtiſe the ſame, becauſe hee is not only the huſband, but alſo abſolute Lord and King of his Church: ſo is not the huſband abſolute ouer the wife.

But his authority ouer the wife, is after a ſort ciuill, as is the authoritie of the Magiſtrate ouer his people. *Anſ.* It is not ſo. For the Magiſtrate hath in his hand the power of the ſword, by which power he inflicteth puniſhment in caſe of offence. But the huſband can challenge to himſelfe no ſuch power: yea it is flatly forbidden in the Ciuill law, that he ſhould ſcourage or ſtrike his wife.

Neuer-

*L. Conſen.
ſu. C. de
deuortijs.*

Neuerthelesse, if she grow to extremities, and be desperately peruerse, so as there be no hope of amendment; then the Magistrate may be informed, who to preuent scandals, and to prouide for publike peace, both ought and may assigne vnto her necessary correction, and punishment according to her desert. Now the husband that hath a wife so stubborne and peeuish, must beare it, if it may be borne, as the portion of his crosse laid vpon him by God. And in this case, if he be impatient, he may in some sort be pardoned and pitied, but he is not wholly to be excused.

CHAP. 12.

Of the Wife.



He wife is the other married person, who being subiect to her husband, yeeldeth obedience vnto him.

Touching the subiection of the wife, the word of God mentioneth it in sundrie places. Rom. 7. 2.

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The

The woman which is in subiection to the man, is bound by the law to the man, while he liueth. Ephes. 5. 24. As the Church is in subiection to Christ, euen so let the wines bee to their husbands in euery thing. Colos. 3.

18. Wines submit your selues vnto your husbands, as it is comely in the Lord. 1. Tim. 2.

*12. I permit not a woman—to vsurpe authoritie ouer the man. And it was a law established by God immediately after the fal, Gen. 3. 16. Vnto the woman he said, I wil greatly increase, &c. and thy desire shal be subiect to thine husband, and he shall rule ouer thee. Indeed, the daughter, according to the Ciuill law, euen when shee is married is * in the power of her father, and not of her husband. But this is directly against the law of Moses, and croseth the law of Nature, Leuit. 22. 12. 13. Numb. 30. 13.*

* In potestate patris.

Now the duties of the wife, are principally two.

The first is, to submit her selfe to her husband; and to acknowledge and reuerence him as her head in all things. Gen. 20. 16. *Likewise Abimelech said vnto Sarah; Behold thy brother, that is, thy husband,*

husband, whom thou callest thy brother, is the vaile of thine eyes to all that are with thee. As if he should say, *Thy husband is thy head, and hath power over thee, and thou oughtest to reuerence him.* For of ancient times, the wife was couered with a vaile in the presence of her husband, in token of subiection to him. Thus *Rebekah* at the sight of *Isaak* tooke a vaile, and couered her head therewith, *Gen. 24. 65. 1. Cor. 11. 3. The man is the womans head. Ephes. 5. 22. Wiues submit your selues vnto your husbands, as vnto the Lord; for the husband is the wiues head, euen as Christ is the head of his Church.* The reason hereof is good. For the wife enioyeth the priuiledges of her husband, and is graced by his honor and estimation amongst men. His Nobilitie maketh her noble, though otherwise shee is base and meane; as contrariwise, his basenesse and low degree, causeth her, though shee bee by birth noble and honorable, to bee by estate base and meane.

The second dutie is, to be obedient vnto her husband in all things; thar is,

wholly to depend vpon him, both in iudgement and will. For looke as the Church yeelds obedience to Christ her head, and yeelds her selfe to be commanded, gouerned, and directed by him, so ought the woman to the man. So *Sarah* is laid to obey *Abraham*, and to giue him the termes of obedience, *Shee called him Lord, or Sir*, 1. Pet. 3. 6. Hence it followeth, that the woman is not to take libertie of wandring, and straying abroad from her owne house, without the mans knowledge & cōsent. 2. King. 4. 22. *Then she called to her husband and said, Send with me, I pray thee, one of the yong men, and one of the asses; for I will haſte to the man of God, and come againe.* Again, that shee is to follow her husband, when hee flitteth or departeth from place to place, vnlesse hee forsake either her or Christ. To this purpose *Paul* saith hee *had power to lead about a wife, being a sister, as well as the rest of the Apostles*, 1. Cor. 9. 5. Thus *Sarah* went with *Abraham* into Egypt, Gen. 12. 11. and out of Egypt, Gen. 13. 1. and to *Gerar* to sojourne there, Gen. 20. 1. 2. 3. Thus the

the wiues of *Iacob* departed with him, from their father *Laban*, Gen. 31.17.

Contrary to these duties, are the sins of wiues; To be proud, to be vnwilling to beare the authority of their husbands; to chide and braule with bitternes; to forsake their houses, &c. Prou. 27. 15.

A continuall dropping in the day of raine, and a contentious woman are alike, vers. 16.

He that hideth her, hideth the winde, & she is as the oyle in his right hand, that vitereth it selfe. Exod. 4.26. Then Zipporah said, O bloodie husband; because of the Circum-

cision. It was the fault of the Leuites Concubine, Iudg. 19.2. Wha played the

whore, and went away from him vnto her fathers house to Bethlem Iudah, and there

continued the space of foure moneths. It was the sinne of Queene Vashi, who refused to

come at the Kings word, which he had giuen in charge to the Eunuches: therefore

the King was verie angrie, and his warth kindled in him, Ester 1.12. Lastly, to be

a cause of grieve to their kindred. Thus the proud wiues of Esau, the daughters

of the Hittites, were a grieve of mind to Isak and Rebekah, Gen. 26.35. & 27.46.

CHAP. 13.

Of the Parent.

hitherto hath been treated of the first Couple, whereof the family consisteth, namely, of married folkes. Now follow the other; and they are of two sorts; either such as, whereby the familie is increased, and multiplied; or such as are helps thereunto.

Those whereby the familie is enlarged, are also of two sorts; Parents and Children.

Parents are they which haue power and authoritie ouer children.

The duties of parents are especially two; One to bring vp their children; The other to bestow them, when they haue brought them vp.

Touching Education or bringing vp of children, the parents care must bee, both that they may liue, and also that they may liue well, Ephes. 6. 4.

Touching the preservation of the life of the child, there are many duties required

required of the Parents, specially foure. First, the mother is her selfe to giue the infant sucke, and to wrap it vp in swadling clothes. *Paul* cōmends it for a note of a good wife, *to nurse her owne children*, 1. Tim. 5. 10. Thus *Sarah* gaue sucke to *Isaak*, Gen. 21. 7. *Anna* nursed *Samuel*, 1. Sam. 1. 22. *Dauid* in likelihood was nursed by his mother, Psal. 22. 9. *Thou gauest me hope euen at my mothers breasts*. And our Sauour *Christ* was also nursed by *Marie* his mother, Luk. 11. 27. and swadled, Luk. 2. 7. Now the reason hereof is plaine. God hath giuen milke to women that beare children, & hath so appointed, that no meat is more naturall to the child, then the mothers milke. And nature it selfe teacheth this in the course of other creatures. The earth nourisheth that which it bringeth forth. The fruit which the tree beareth is fed by the sap that comes from the root therof. Yea amongst the bruit beasts, euen those that be most sauage, as the *Tigres*, do giue sucke vnto the yong ones which they bring forth.

Yet in case of want of health, or abilitie,

litie, or any other iust impediment, the mother may in equity be forborne, and the child committed vnto a nurse. And so we reade that *Rebekah* the daughter of *Bethuel*, and afterward the wife of *Isaak* had a nurse, Genes. 24. 59. whose name was *Deborah*, Gen. 35. 8. And *Pharaohs* daughter in a case of necessitie, committed *Moses* to be nursed of an Hebrew woman, whom she tooke not to be his mother, but a stranger; and her fact was allowed by God, Exod. 2. 7. 9.

The second dutie of the Parent is, to prouide for his child meate, drinke, and clothing. Our Sauour Christ saith, that Parents euen by the light of nature, though they be euill, will not denie or withhold necessarie food from their children: Mat. 7. 9. 10. *What man is there among you, that if his son aske him bread, will giue him a stone, or if he aske a fish, will giue him a scorpion?* And Paul saith, *If there be any that prouideth not for his owne, and namely for them of his household, hee denieth the faith, and is worse then an Infidell,* 1. Tim. 5. 8.

The third dutie is, when God giueth
abilitie

abilitie & meanes, to lay vp some thing for the future maintenance of the child.

2. Cor. 12. 14. — *for the children ought not to lay vp for the fathers, but the fathers for the children.* Prou. 19. 14. *House and riches are the inheritance of the fathers.*

The fourth is, to obserue both the inclination, and the naturall gifts of bodie and mind that are in the child, and accordingly to bestow it in some honest-calling & course of life. Prou. 20. 11. *A child is knowne by his actions, whether his worke be pure and right.* In the Ecclesiasticall historie, written by *Ruffinus*, it is recorded, that *Alexander* Bishop of *Alexandria*, saw a far off, in a place neare to the sea, a companie of children playing together, and in their play imitating himselte in sundrie Ministeriall actions. And whē he had a while viewed them, he perceiued that they examined & baptised one another, according to the solemne order vsed in y^e Cōgregation: which thing, whē he had made some of his Clergie acquainted withall, and taken order that the children should be sent for, and brought before him,

Ruffin. Eccles. hist. lib. 1. c. 14.

him, he demanded of them, what sport they vsed, and in what manner they played onewith another. The children at first, for feare, denied what they had done, yet vpon further examination they confessed, that they had made *Athanasius* (who afterward became Bishop of the place) their Bishop, and that hee instructed and baptised sundrie of their companie. He further asked both *Athanasius* himselfe, and those which were said to haue been baptised, what questions he asked them, and what answers they gaue; and perceiuing by their speeches, that they had framed themselues, though in sporting maner, to the Church-proceedings in those actions; vpon conference had with his Clergie, hee determined, that those which had first been asked, and had giuen answere fully, according to the forme vsed in that Church, and there-upon baptised, should not be rebaptised. And for *Athanasius* and the other children, which had done the part of Ministers in their kind, he sent for their parents, and gaue them great charge that

that they should be brought vp in learning and religion, that so they might in time be fit for the publike Ministerie. The like course we reade to haue been taken by the Heathen, for iudgement of the inclination and towardnesse of their children. The Athenians made a law, that before children were bestowed in any calling, they should bee first brought into a publike place, where Instruments belonging to all sorts of trades were laid; and look in what kind of Instrument any of them tooke most delight, the child was thought to bee most fit for the trade, whereunto that Instrument belonged, and afterward applied to the same with good successe.

Now the Parents first and principall care must be for the Church; that those of their children which haue the most pregnant wit, and be indued with the best gifts, be consecrated vnto God, and brought vp in the studie of the Scriptures, to serue afterward in the Ministerie of the Church. Thus *Anna* dedicated *Samuel* her son vnto God by vow, 1. Sam. I. II. And shee vowed a vow, and said,

*Nazianz.
epist. ad
Eudoxam.*

said, O Lord of Hostes, if thou wilt—give vnto thine handmaid a man-child, the I wil giue him vnto the Lord all the daies of his life. And she did according to her vow, and the Lord blessed Samuel her sonne, who in proceffe of time became a great Prophet.

The next point of Education of children, is to prouide that they may liue well, and lead a godly life. To this purpose Parents must do three things.

First, they are to be carefull, that the child, so soone as may bee, after it is borne, bee admitted into the true Church of God by Baptisme, and haue a fit name giuen vnto it.

Secondly, they are to endeouour to sow the seeds of godlinesse and religion in the heart of the child, so soone as it comes to the vse of reason and vnderstanding; and as it growes in yeares, so care must be had that it grow in knowledge and grace. To this purpose is the vow and promise made in Baptisme, which parents are bound to call vpon the child to remember, when it comes to yeares. It was the godly care of Timothy

mothers parents, 2. Tim. 3. 14. But continue thou in the things which thou hast learned, knowing of whom thou hast learned them, vers. 15. And that thou hast knowne the holy Scriptures of a child, which are able to make thee wise vnto saluation, through the faith which is in Christ Iesus. This was the commandement of God to the parents of his people, Deut. 6. 7. Thou shalt rehearse these words which I command thee continually to thy children, and shalt talke of them whē thou tarriest in the house. And vers. 20. When thy sonne shall aske thee in time to come, saying, What meane these Testimonies, and Ordinances, and Lawes, which the Lord our God hath commanded you? Then thou shalt say vnto thy sonne, We were Pharaohs bondmen in Egypt, &c. This was obserued by the Israelites in the ages succeeding: Psal. 44. 1. We haue heard with our eares, O God: our fathers haue told vs the workes that thou hast done in their daies in old time.

Thirdly, the first instruction of children in learning & religion, must be so ordered, that they may take it with delight. For which purpose, they may be sometimes

sometimes allowed in moderate maner to play, and solace themselves in recreations fitting for their yeares. And if they do amisse in either, they are to bee restrained by the bridle of discipline. First by reproofe in word, and when that will not helpe, by the rodde of correction. Zach. 8. 5. *The streets of the citie shall bee full of boyes and girles, playing in the streets thereof.* Prou. 29. 15. *The rod and correction giue wisdom, but a child set at libertie makes his mother ashamed.* vers. 17. *Correct thy son, and he will giue thee rest, and giue pleasures to thy soule.* Hebr. 12. 9. *We haue had the fathers of our bodies which correct vs, and we gaue them reuerence.*

Yet in this point, two extreames are carefully to be auoided; That the Parent be not either too seuer, or too indulgent to the child. For seueritie Paul giues his rule, Ephes. 6. 3. *Parents provoke not your children to anger, that is, by too much austeritie in gouernmēt.* For lenitie, we haue old Eli his example, 1. Sam. 2. 23. *And he said vnto them, Why do yee such things? for of all this people, I heare euill reports of you. Doe no more my sonnes,*

sonnes, &c. So much for Education.

The second general dutie of parents, is the bestowing of their children; This bestowing is, when they knowing their children fit for mariage, not to haue the gift of continencie, do vse their best in-
deuour to prouide matches for them in time, or at least, do aduise them ther-
unto by themselues or by their friends:

1. Cor. 7. 36. *If any man thinke it vncomelie for his virgin to passe the flower of her age, and need so require——let them bee married.* vers. 38. *he that giueth her to marriage, doth well.* Ierem. 26. 6. *Take yee wiues——and take wiues for your sonnes, and giue your daughters to husbands, &c.* Gen. 28. 1. *Isaak called Iacob and blessed him, and charged him and said vnto him; Take not a wife of the daughters of Canaan: Arise, get thee to Padan Aram——and thence take thee a wife of the daughters of Laban thy mothers brother.* Iudg. 14. 2. *Sampson came and told his father and his mother, and said, I haue seene a woman in Timnah of the daughters of the Philistims; now therefore giue me her to wife.*

This dutie is now adaies carelessly neglected

neglected of Parents; and the fruit thereof is dangerous. For hence it comes to passe, that their children oftentimes do either commit whoredome, or vnder take wicked and vngodly mariages.

In the choice of a husband or wife, the Parents ought to haue a greater respect vnto pietie and wisedome, then vnto beautie and riches, or any other outward blessings. Yet where they all concur, the partie so qualified is the more thankfully to be entertained. Vpon these grounds the Priest or Prince of Midian, gaue his daughter *Zipporah* to *Moses*, and *Moses* agreed to take her, *Exod. 2. 19.* *A man of Egypt deliuered vs from the Philistims, and also drew vs water enough, & watered the sheepe—— And Moses agreed to dwell with the man, who gaue vnto Moses Zipporah his daughter.* *Iosu. 15. 16.* *Then Caleb said, He that smiteth Kiriath-sepher, and taketh it, euen to him will I giue Achsah my daughter to wife.* Yea it is a sinne to marrie only for beautie, without consideration of the better things. Thus the old world sinned, whē the sonnes of God saw the daughters of men
that

that they were faire, and tooke them wiues of all that they liked, Gen. 6. 2. and Sampson, who only vpon the sight of the woman in Timnah, of the daughters of the Philistims, without further inquirie, desired that she might be given him for his wife, Iudg. 14. 2.

Againe, it is meet that parents should deale moderately with their children in this case, and not vndertake at any hand to force and compel them to marrie this or that partie. This was the iust commendation of *Rebekahs* parents, who though they were Idolaters, yet had that regard of equity, that they first called her and asked her consent, before they sent her away with *Abrahams* seruant, to be married to *Isaak*, Gen. 24. 58. Now in case the Parents faile in their dutie in this regard, the son or daughter may lawfully declare the matter first to their kinsfolke, and afterward (if need be) to the Minister, or Magistrate, and sue for redresse by their means and direction.

CHAP. 14.

Of the Sonne.

He sonne is he, who is in subiection to his parents.

The duties of a son to bee performed to his parents, are prin-

cipally two.

First to yeeld them obedience, whether they be his naturall parents or otherwise, as his step-father & step-mother, and that while he liueth. Eph. 6. 1. *Children obey your parents in the Lord; for this is right.* Luke 2. 51. *Then hee went downe with them, and came to Nazareth, and was subiect to them.* Exod. 18. 19. *Moses father in law said vnto him, Heare now my voice, I will giue thee counsell, and God shall be with thee.* Ruth 3. 5. *And Ruth said vnto Naomi her mother in law, All that thou biddest me, I wil do.* Iob 1. 5. *And whē the daies of their bāquetting were gone about, Iob sent and sanctified them.*

This

This obedience must shew it selfe in two things.

First in the choyce of a lawfull calling, wherein the child is to be ordered and appointed at the discretion of the parent.

Secondly in mariage: For in that, the parent is the principall agent and disposer of the child. Now although his authoritie be not so great, as that the child is to be forced and compelled by him; yet the reuerent and dutifull respect which the child ought to beare towards him, ought to be a strong inducement, not to dissent, or renounce his aduice, without great and waightie cause. Yea the child must endeavour by all mannèr of dutifull cariage to overcome, or at least to mitigate his parents seueritie in that behalfe.

Now for the daughters: They must yeeld obedience to their parents in all Domesticall labours, that they may be skilfull in household affaires. Thus did the seven daughters of the Priest of Midian, accustome themselues to draw water, and fill the troughes to *water*

their fathers sheepe, Exod. 2. 16. Thus *Rebekah* was seene to come out of her fathers house, with her pitcher vpon her shoulder, and to go downe with it to the well to fill it, and *giue drinke to her fathers Camels*, Gen. 24. 16. 17.

The second dutie of the sonne, is to recompence his fathers loue, and care ouer him, by relieuing him in case of want, if God giue abilitie, with food and rayment, and other necessaries. Herein children must deale with their parents, as the brood of the Storke is reported to do with her, by feeding her when she is old; wherein they doe no more but what shee before hath done vnto them. It is *Pauls* counsell, that children & nephewes should recompence the kindnes of their kindred in the first place, 1. Tim. 5. 4. and therefore to their parents, the head & foundation of their kindred. When *Ioseph* was in prosperitie, and his father *Iacob* in want, he first gaue him corne freely; and afterwards sent for him to Egypt, and there provided for him; in so much as the text saith of him, that he nourished his father and his

his brethren, and all his fathers household with bread, *Euen as the mother puts meat into the childs mouth*, Gen. 47. 12.

When *Naomi* the step-mother of *Ruth* was of great yeares, and her strength spent, *Ruth* gathered corne in the harvest for reliefe of them both. Yea when *Boaz* gaue her to eate and to drinke, she reserued part of her victuals, & brought it home with her gleanes to refresh her mother, Ruth 2. 14. 18.

The necessitie of the performance of these duties is so great, that if the sonne neglecteth them, and doth the contrarie, by ill vsage of his parent, either in word or deed, he is worthie of death, euen by *Moses* law: Exod. 21. 15. *He that smiteth his father or his mother, shall die the death.*

The law of the first borne of a mans children, that he should haue a greater portion of his fathers goods, then any of the rest of his brethren, is perpetuall, and admits no exception, but only in the case of notorious wickednes. Deut. 21. 17. *He shall acknowledge the son of the hated for the first borne, & giue him a dou-*

ble portion of all that he hath, for he is the first of his strength, and to him belongeth the right of the first borne. This was the law; yet we read that Ruben lost this prerogative, by reason of his incest, and Iudah the fourth sonne of Iacob had the dignitie of the first borne, Gen. 49. 8. Thou Iudah, thy brethren shall prayse thee—thy fathers sonnes shall bow downe unto thee.

In the Church of the old Testament, the priuiledge of the first borne was three-fold; the first of gouernment and royaltie, the second of Priesthood, the third of the double portion. And it is probable that this was for the most part Ceremoniall, and was accomplished and determined in Christ, who *was the Image of the inuisible God, & the first borne of euery creature, Colos. 1. 15.*

Heere two questions are propounded.

Quest. I. Whether is it lawfull for the sonne to make a vow belonging either to religion, or to ciuill conuersation, without the consent of the parent?

Answ. A vow so made is not of force

to bind the child, but by the Law of nature & common equitie, is to be made void. For it is a ruled case, that he which is not his owne man, that is to say, at his owne libertie, but vnder the power of another, cannot bind himselfe. Againe, the authoritie of the parent by the law of God is great; For it alloweth the father to make void the vow of the child pertaining to Gods worship, Numb. 30. 6.

Quest. II. Whether is the consent of the parents to be required in the second mariages of their children?

Ans. 1. Of ancient times, both by * Ciuill lawes, & also by Imperial constitutions, it was provided that no widowes, though made free by their former mariages, should make any contract againe, without the good will of their parents. 2. Consent in this case, though it be not *absolutely necessarie*, yet it is to be thought *fit and conuenient*, because children in some regards exempted from parents authoritie, doe owe notwithstanding the dutie of honor vnto them, by Gods expresse comman-

* C. de
Nuptijs.
L. vidua,
& L. in
cōiunctio-
ne.

* Beza de
repud. &
dinort.
sect. de
spōsalibus
absq. con-
sensu par.
factis.

dement, Exod. 20. 12. and consequent-
ly ought to testifie the same, by being
ordered and aduised by them in some
sort, euen at the after-bestowing of
themselues. Hence it is, that * later Di-
uines haue holden vpon good ground;
That the espousals of widowes, who
haue some more libertie, then the child
first married, being made without their
parents knowledge, cannot but incurre
iust reprehension, howsoeuer they may
stand in force without it.

CHAP. 15.

Of the Master.

Ext vnto parents and chil-
dren, wherby the family
is increased, is a second
sort of couples, which
are helpees therunto. And
they are Masters and seruants.

The Master is a member in the fa-
milie, which hath power and beareth
rule ouer the seruant. And his dutie
stands principally in three things.

First,

First, To make a good choice of his seruants; which is then done, when he inquireth first after such as feare God, and be willing to serue him. *Paul* makes the seruice and feare of God the maine ground of true obedience in seruants, Ephes. 6. 5. 6. 7. Colos. 3. 22. It was the rule of *Dauids* choice, Psal. 101. 6. *Hee that walketh in the perfect way, he shall serue me.* *Abrahams* chiefe seruāt of his house, was a man that feared God, as appeareth, in that he made conscience of his oath, Gen. 24. 2. 3. and prayed also for successe in the busines whereabout he was sent. Gen. 24. 12. *O Lord God of my Master Abraham, I beseech thee send mee good speed this day, and shew mercie to my Master Abraham.* *Cornelius* of *Casarea*, the Captaine of the Italian band, had a souldier that daily attended on him, *who feared God*, and seruants also beside him, to whom hee made knowne the heavenly vision which hee saw, Act. 10. 7.

Secondly, To enioyne them labour, and not to require more of them, then their strength will beare. The master is

to

to rule ouer the seruant *in iustice*. And then is his cōmandement vniust, whē it will not stād with the course of nature, with the abilitie of his seruant, or with the word of God. Therefore he is to require labour at their hāds proportionable to their strength, & yeeld thē sometimes intercession & rest. *Leuit. 25. 46, Ouer your brethen the children of Israel, ye shall not rule ouer one another with crueltie. 1. Pet. 3. 8. Bee pitifull, bee courteous, one beare with another.* And for the furthurance of busines, it is conuenient that the master be oftentimes present with the seruāts in their works, *Prou. 27. 23. Be diligent to know the state of thy flock, and take heed to thy herds. The good matron ouerseeth the waies of her hould, Prou. 31. 27.* A man of Libya being asked, what it was that might make a horse fat; he answered, *The masters eye.*

Thirdly, To recompence the diligence and paines of his seruant, and that three waies.

First, by giuing him his due of meat and drinke for the present. The good matron *giueth the portion to her hould,*
and

Arist.
Oeconom.
7.

and the ordinary to her maids, Prou. 31. 15.

Secondly, by paying him his hire in the end of his seruice: *The labourer is worthie of his wages. Luk. 10. 7. Well done, good servant and faithfull; thou hast been faithfull in little, I will make thee ruler over much; enter into thy masters ioy. Mat. 25. 21.*

Heere three caueats are to be obserued. I. That the wages be proportionable to the work. II. That it be paid in due time, without deferring. So the Master of the vine-yard, *when euen was come*, called his seruants together, to *giue the their hire*, Mat. 20. 8. III. That the seruāt be not defrauded of any part of his due. For this is a crying sin; Deut. 24. 15. *Thou shalt giue him his hire for his day, neither shall the Sunne go downe vpon it——lest hee crie against thee vnto the Lord, and it bee sinne vnto thee. Iam. 5. 4. Behold, the hire of the labourers which haue reaped your fields, which is kept backe by fraud, crieth, and the cries of them which haue reaped, are entred into the eares of the Lord of hosts.*

Thirdly, if the seruant in time of his seruice be sicke, the masters care must be

be by all means possible to procure his recovery. Equitie must be the rule in these cases; and masters are to *do to their seruants that which is iust and equall.* Col. 4.1. Now the seruant haplie falles sicke by and in his seruice, and his health yeelds not only profit to his master, but incouragement also to himselfe. The good Centurion in case of his seruants sicknesse, tooke the best course to haue him restored, Matth. 8.6.

CHAP. 16.

Of the Seruant.

He Seruant, is a person in the family subiect vnto his master.

The dutie of a seruāt is, faithfully and diligently to demeane himselfe in the affaires of his master, and to doe seruice vnto him as vnto Christ, though he be froward and hard-harted. Titus 2.9. *Let seruants be subiect to their masters, and please them in all things, not answering againe.* Ephes. 6.5. *Seruants, be obedient*

obedient to them that are your masters according to the flesh, with feare & trembling, in singlenes of your hearts, as vnto Christ.

Col. 3. 22. Thus Iacob serued Laban, Gen. 31. 38. This twentie yeares haue I bin with thee; thine ewes and thy goates haue not cast their yong, and the rammes of the flocke haue I not eaten, &c.

Contrariwise, the seruant must take heed that he doe not his masters businesse negligently, or for fashion sake, or with eye-seruice as a man-pleaser; that in case of rebuke or controlement, he answere not againe; lastly, that hee be trustie & withhold his hands from picking, and his heart from deceiuing his master.

Seruants are of two sorts; either free, or bond-seruants.

A free-seruant is he, whom his master hireth for wages to do him seruice. To him belongs the iust paiment of his hire, and in case of offence, the master hath authoritie to censure and correct him, prouided that in the execution thereof, respect bee had vnto his age, and the correction be vsed with moderation,

ration, as if hee were his sonne.

A bond-seruant, is a seruant bought for money, and is commonly called a slaue. Touching this sort, a question is moued, whether a Christian may with safe conscience, haue and vse a man as his slaue?

Answ. The power & right of hauing bond-men, in those countries where it is established by positiue lawes, may stand with good conscience, if it be vsed with moderation. That authoritie in this behalfe is moderate, wherein these seuen caueats be obserued.

I. That the master haue not ouer his seruant the power of life and death; for this takes away the lawful power of the Magistrate, to whom only the Lord hath committed the sword of iustice.

II. That there be not libertie granted him, to vse his seruant at his owne will and pleasure in all things; for this was not granted by the law of God to his owne people: *Exod. 21. 26. If a man smite his seruant or his maid in the eye, and hath perished it, he shall let him go free for his eye: Also if he smite out his seruants or his*

his maids tooth, he shall let him go out free for his tooth.

III. That the power be not enlarged to the commanding of things against piety or iustice; for in these cases a man must rather obey God then man, Act. 4. 19.

IV. That masters do not take libertie to make separation of those their seruants that be married, the one from the other, or of those that be parents from their children; considering that God himselfe hath made these societies, and ioyned such persons together, and therefore man may not separate them.

V. That the masters do not take libertie to put ouer their seruants to vngodly and vnbelieuing masters, for that is an vnkind and cruell libertie, & may be an apparat occasion to make the seruant fall away from religion, and renounce the true God.

VI. That they do not bind them to perpetuall slavery, & neuer make them free. Exo. 21. 5. *But if the seruant say thus, I loue my master, my wife and my children, I will not go out free.*

VII. That

VII. That the seruitude be not procured and retained by force; for it is a more grievous crime to spoile a man of his libertie, then of his riches.

Now y^e the same power limited with these cautions, is lawfull & warrantable in cōsciēce, it appears by these reasons.

I. God hath ordained & allowed it, euen by warrant of his owne law: The posteritie of *Cham* was cursed by *Noah*, and condemned to slauerie, Gen. 9.25. *And he said, Cursed be Cham, a seruant of seruants shal he be to his brethren.* So were the Gibeonites by *Ioshua*, Ios. 9.23. *Now therefore yee are cursed, and there shall none of you be freed from being bond-men, and hewers of wood, & drawers of water, for the house of my God.* So was the theefe, Exo. 22.3. *If he had not wherewith to make restitution, then hee should bee sold for his theft.* Again, those that are overcome in war may be held captiue, and it is lawful for the conquerer to kill them, & therefore to make them slaues: and if being takē, they be saued from death, they owe all that they haue to them by whom they are saued.

II. The

II. The law of God gaue libertie to any mā that would, to make sale of himselfe to another. Leuit. 25. 45. *Of the children of the strangers that are sojourners among you, of them shal ye buy, & of their families that are with you, which they begat in your land, these shall be your possessiō. Deut. 15. 12. If thy brother an Hebrew sell himself to thee, or an Hebrewesse, and serue thee six yeares, enē in the seuenth yeare thou shalt let him go free from thee: and vers. 17. Thou shalt take an aule, & pierce his eare througħ against the doore, and he shall be thy seruant for euer.*

III. The mā that is ransomed frō his enemy, is bound to serue as a slaue in lieu of thankfulness.

IV. The examples of the 'godly in the Scriptures. *Abraham* had seruants whom he bought for siluer, Gen. 17. 12. *Euerie manchild of eight daies old among you, shal be circumcised in your generations, as well he that is borne in thine house, as he that is bought with money of any stranger, which is not of thy seed. Gen. 24. 35. The Lord hath blessed my master Abraham wonderfully—for he hath giuen him sheep and*
M *beenes.*

beeues, and siluer and gold, & men-seruants
and maid-seruants, and camels and asses.

V. The Apostles do not disallow of
such seruāts, but cōmand thē being ser-
uants, & called to the professiō of Chri-
stianitie in that state, not to change, but
to abide in their calling. 1. Cor. 7. 21. *Art
thou called being a seruant? care not for it.*

It is alledged that such seruitude is a-
gainst the law of nature. *Ans.* It is indeed
against the law of intire nature, as it was
before the fall, but against the law of
corrupted nature since the fall, it is not.

But Christ hath purchased liberty to
belieuers, Coloss. 5. 11. *Ans.* Only a spiri-
tuall libertie in this life; & a corporal on-
ly in the life to come. For though y ser-
uant in regard of faith & the inner man
be equal to his master, because in Christ
Iesus there is neither master nor seruāt,
bond nor free; yet in regard of the out-
ward man & ciuill order amongst men,
the master is aboue the seruant, and the
seruant is, & must be subiect to the ma-
ster. Neuerthelesse where this kind of
seruitude is abolished, it is not to be a-
gain receiued or intertained amongst
Christians,

Theodor.
Orat. 8.

Christians, specially considering, it is a far more milde and moderate course to haue hired seruants.

If it be said againe, that the Heathen Philosopher holdeth seruitude to be naturall, wherby some are by birth bond, and others free. I answere, That seruitude proceedeth not of nature, but hath his originall from the lawes of nations, and is a consequent of the fall. For all men by nature are equally & indifferētly free, none more or lesse then others.

*Aristot.
polit. lib. 1.*

CHAP. 17.

Of the Master of the familie or goodman of the house.

THus much touching the diuers and seuerall combinations or couples belonging to the state Oeconomicall. Fro which do arise two persons of a mixt or compounded nature and condition, cōmonly called the Goodman, & the Goodwife of y^e house.

The *good man or master of the familie*, is a person, in whom resteth the priuate and proper gouernment of the whole

M 2 household;

houſhold, and he comes not vnto it by election, as it falleth out in other ſtates, but by the ordinance of God, ſetled euen in the order of nature. The huſbād indeed naturally beares rule ouer the wife, parents ouer their childrē, maſters ouer their ſeruāts: but that perſon who by the prouidence of God, hath ſ place of an huſband, a father, a maſter in his houſe, the ſame alſo by the light of nature, hath the principality & ſoueraign- tie therein, and he is *Paterfamilias*, the father and chiefe head of the familie: to him therefore the true right and power ouer all matters domeſtical, of right appertaineth. The duties of the maſter of the familie, are ſpecially ſiue.

I. To beare the chiefe ſtroke, and to be the principal agent, director and furtherer of the worſhip of God within his familie. Ios. 24. 15. *I and my houſhold wil ſerue the Lord.* And this he doth partly by praying for & with his houſhold, and partly by inſtructing thē in the holy Scriptures, and in the grounds of religiō, that they may grow in knowledge and reape benefit by the publike Miniſterie.

sterie. Thus God commanded the men of Israel to walke in their families. Deut. 6.7. *Thou shalt rehearse them continually unto thy children, and shalt talke of them, when thou tariest in thine house,—& when thou liest downe, & when thou risest vp. A-gaine, vers. 20. When thy sonne shall aske thee,—what meane these testimonies, and ordināces & lawes, which the Lord our God commanded you? Then thou shalt say unto thy son, We were Pharaohs bondmen in Egypt, but the Lord brought vs out of Egypt, with a mightie hand.* This testimony God gaue of Abraham before the law was giuen, Gen. 18.19. *For I know Abraham that he will command his sons, and his household after him, that they keepe the way of the Lord.* And this household of Abraham was very large, for the holy Ghost saies long before, that he had three hundred and eightene, * *that were borne and brought vp in his house,* Gen. 14.14. It was in likelihood & course of Salomon which he had learned of his father Dauid, and giuen for a rule to al masters of families. Prou. 4.1. *Heare O children the instruction of a father, and giue care to learne vnder-*

* [Et-
chanican
suos ini-
tiator.

*standing — For I was my fathers sonne, deare and tender in the sight of my mother, when he taught me and said unto me, Let thine heart hold fast my words. The company of the Disciples were the household of Christ, and he himselfe did administer all parts of the seruice of God with them and among them. Luk. 22. 15. To this purpose * Augustine saith, That the master of the familie, doth after a sort, and in his measure performe the dutie of a Churchman, or Bishop within his house.*

* In Ioan.
tract. 51.
in fine.

II. To bring his familie to y^e Church or Congregation on the Sabbath day, to looke that they do religiously there behaue themselues, & after the publike exercises ended, & the Congregation is dismissed, to take account of that which they haue heard, that they may profit in knowledge and obedience. Act. 10. 24. *The day after, they entred into Casarea; Now Cornelius waited for them, & had called together his kinsmen & special friends. vers. 33. Now therefore (saith Cornelius to Peter) are we all heere present before God, to heare all things that are commanded thee of God. Iob 1. 5. And when the daies of their banqueting*

banqueting were gone about, Job sent and sanctified them, & rose up early in the morning, & offered burnt offerings, &c. 2. King. 4. 23. And he said, wherefore wilt thou go to him to day? It is neither new moone nor Sabbath. For this very cause the fourth Commandement is giuen first of all & principally to the master of the familie, that he might see the Sabbath kept, and be a principal doer in all parts of Gods worship therein. Exod. 20. 10. In it thou shalt not do any worke, thou nor thy son, nor thy daughter, thy man-servant, nor thy maid, nor thy cattel, nor thy stranger that is within thy gates.

Neither is this his care tied only to the Sabbath, but vpon other daies besides it, he ought to cause them of his household, as much as in him lieth, to repaire to places, where the word of God is preached. Commendable was the practise of *Marie* the sister of *Martha*, in this case, who when Christ came to her house is said, *to sit at his feete and attend vnto his preaching*, Luk. 10. 39.

III. To prouide for his family meat, drinke and clothing, and that they may

liue a quiet & peaceable life, 1. Tim. 5. 8. Pro. 27. 26. *The lambs are for thy clothing, and the goats for the price of thy field. v. 27. And let the milke of thy goats be sufficient for thy food, for the food of thy familie, and for the sustenance of thy maids. 1. Cor. 9. 9. Thou shalt not muzzle the mouth of the ox, that treadeth out the corne: doth God care for oxen? either saith he it not altogether for our sakes? Matth. 13. 52. Euery scribe which is taught vnto the kingdome of heauen is like vnto an housholder, that brings forth out of his treasure, things both new and old.*

IV. To keepe order, and to exercise discipline in his house, and that in this manner:

In case of offence, when a capitall crime is committed, which incurreth publike censure; he is not to punish it himselfe, but to bring the offender to the ciuill Magistrate, to informe of his fault, that he may haue his desert: It was a course established by the Iudicial law, which God gaue vnto *Moses* for his direction in causes criminall among the Israelites: Deut. 21. 18. 19. 20. *If any man hath*

hath a son that is stubborne, & disobedient, which wil not hearken vnto the voice of his father, nor the voice of his mother, and they haue chastened him; then shal his father and his mother take him, and bring him out, vnto the Elders of his citie, and vnto the gate of the place where he dwelleth, and shall say vnto the Elders of his citie; This our son is stubborne, and disobedient, and he will not obey our admonition: hee is a rioter, and a drunkard. Againe, Deut. 13. 6. If thy brother the son of thy mother, or thine own son, or thy daughter, or the wife that lieth in thy bosome, or thy friend which is as thine owne soul, entise thee secretly saying, Let vs go and serue other gods (which thou hast not known, thou, I say, nor thy fathers) thou shalt not consent vnto him, nor heare, neither shal thine eye pitie, nor shew mercie, nor keepe him secret. Zach. 13. 3. And when any shall yet prophesie, his father and his mother that begate him shall say vnto him, Thou shalt not liue: for thou speakest lies in the name of the Lord: and his father, and his mother that begate him, shall thrust him thorough when he prophesieth.

If the fault be of an inferiour nature,
and

and lesser in comparifon; the mafter of the familie ought to proceed by priuate censure vpon the delinquent partie, fometimes by admonitiō, otherwhiles by correction, and chaftilement, according to the quality of the offence, & the condition & ftate of the perfon. Leuit. 19. 17. *Thou fhalt plainly rebuke thy neighbour, and not fuffer him to fin.* Mat. 18. 15. *If thy brother finne againft thee, go and tell him his fault betweene him and thee alone: If he heare thee not, take yet with thee one or two.* Prou. 29. 17. *Correct thy fonne, and he will giue thee reft, and will giue pleasures to thy foule.*

When admonitions and corrections will not preuaile, the partie muft bee brought before the Minifters, and Gouernours of the Church, that they may censure him. Matth. 18. 17. *If he will not heare them, tell it vnto the Church.* And the Apoftle James giueth order that the Minifters of the Church fhould come to thofe that are ficke, and pray for them, James 5. 14. which if they doe in cafe of infirmitie; then they are alfo to be fought vnto, in cafe of error and offence

offence committed, for redresse.

But when none of all these meanes will do good; if the partie be a seruant, his master may, and ought to remoue him. Psal. 101.7. *There shall no deceitfull person dwell within mine house; he that telleth lies shall not remaine in my sight.* Ioh. 8.35. *The seruant abideth not in the house for euer.*

V. To giue intertainment to those that are strangers, & not of the familie, if they be Christians, and Belieuers; but specially to the Ministers of the Word. Rom. 12.13. *Giuing your selues to hospitallitie.* Hebr. 13.2. *Be not forgetfull to lodge strangers: for hereby some haue receiued Angels into their houses vnawares.* This duty the woman of Shunem & her husband performed vnto the Prophet *Elisha*, 2.King. 4.10. *Let vs make him a little chamber, I pray thee, with walles, and let vs set him a bed there, and a table, and a stoole, and a candlesticke, that he may turne in thither, when he commeth to vs.* These are the duties.

Heere if it be demanded, whether the master of a familie is alway, and necessarily

farily bound in his owne person to doe all these things?

I answere, that if there be iust and necessarie cause, either in respect of his owne inabilityie, or in regard of publike imployment, vpon a lawfull calling, whereby he is hindred, so as he cannot do any of them himselfe, at some times; it is lawfull for him to haue, and vse a deputie. This our Sauour Christ teacheth in effect, when he saith, *Who then is a faithfull seruant, and wise, whom his master hath made ruler ouer his household, to giue them meate in season?* Mat. 24. 25. Thus *Abraham* had a steward of his house, *Eliezer* of Damascus, Gen. 15. 2. and he performed the waightiest matters, that concerned the establishment, and continuance of Familie, not by himselfe, but by his Steward, as namely the choice of a wife for his sonne *Isaak*, Gen. 24. 2. *Therefore Abraham said vnto his eldest seruant of his house, which had the rule ouer all that hee had; Put now thine hand vnder my thigh, &c.* Thus *Pharaoh* King of Egypt had *Ioseph*, Gen. 39. 4. *So Ioseph found fauour in his sight, and serued him,*

him, and hee made him ruler of his house,
and put all that he had in his hands.

CHAP. 13.

*Of the Mistresse of the familie, or Good-
wife of the house.*



He Goodwife or Mi-
stresse of the house, is a
person which yeeldeth
helpe and assistance in
gouernmēt to the Ma-
ster of the familie. For
he is, as it were, the prince and chiee
ruler; she is the associate, not only in
office and authoritie, but also in aduise,
and counsell vnto him. 1. King. 17. 17.
*And after these things, the sonne of the wo-
man, which was wife, or * mistresse of the
house, was sicke.*

Her dutie is two-fold.

First to gouerne the house, as much
as concerneth her, in her place. 1. Tim.
5. 14. *I will therefore that the yonger women
marrie, and gouerne the house. And that
she doth three waies. I. By exercising
her selfe in some profitable employ-
ments,*

* [Bagna-
lath bab-
baylb.]
Domina
domus.

ments, for the good of her charge, Prou. 31.13. *She seeketh wooll, and flax, and laboureth cheerefully with her hands.* II. By appointing her maids their worke, and ouerseeing them therein. Vers.15. *She riseth whiles it is yet night, and giueth the portion to her houshold, and the ordinary to her maids.* III. By ordering her children and seruants in wisdome; partly by instruction, partly by admonition, whē there is need. Vers.26. *Shee openeth her mouth with wisdome, and the law of grace is in her tongue.* vers.28. *Her children rise vp, and call her blessed, &c.* Tit.2.5. *That they be discret, chaste, keeping at home, &c.* Act. 18.26. *Priscilla in her house, with Aquila, instructed Apollos, in that wherin he was wanting, expounding vnto him the way of God more perfectly.* Gregorie Nazianzen in an Oration made for his father, saith, *That his mother was not only an helper, but also a teacher or instructor, and guide vnto his father in matters of religion & godlines.*

The second dutie is, to giue the portion of food vnto her familie, or cause it to be giuen in due season. Prou. 31.15. *She riseth whiles it is yet night, and giueth the*

the portiō, or meat to her houshold. Thus did Rebekah in her house. Gen. 27. 9. Get thee now to the flock, & bring me thēce two good kids of the goats, that I may make pleasant meat of the for thy father, such as he loveth.

Quest. Whether may the goodwife, without the consent of the goodman, giue and bestow the goods belonging to the familie?

Ans. I. There are some things which are proper to her selfe, and not part of her dowry which she brought vnto her husband. And these she may claime as her owne, because either they were reserved vpon the match made betweene them, or else are peculiar vnto her by their mutuall consent, and of them she may lawfully giue, without her husbands knowledge. II. The goods which are common to them both, are of another nature; and these shee may not bestow, without his allowance, either expresse or at least general and implicite, specially when the giuing of them doth or may grow in likelihood, to the hinderance, and preiudice of the state of the familie.

FINIS.